



NOTES

November Council Agenda Briefing
Held in the Council Chamber
Tuesday 20 November 2007
Commencing at 5.30pm

Present:

Mayor J Best

Councillors:

G W Gleeson	Civic Ward (from 5.45pm)
I Hasleby	Civic Ward (from 5.41pm)
P Best	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr G Flood	Director Infrastructure Services
Mr M J Kent	Director Financial and Information Services
Mr S Cope	Director Planning and Community Services
Mr S Camillo	Manager Environmental Health Services (until 7.56pm)
Mr L Croxford	Manager Engineering Infrastructure
Ms D Gray	Manager Financial Services (from 6.45pm until 7.30pm)
Mr N Kegie	Manager Community, Culture and Recreation (until 7.28pm)
Mr M Taylor	Manager City Environment (until 8.12pm)
Mr R Bercov	Strategic Urban Planning Adviser (until 7.15pm)
Mr S McLaughlin	Legal and Governance Officer (from 6.33pm - 7.45pm)
Mr L Anderson	Planning Officer
Mr O Hightower	Planning Officer
Mrs K Russell	Minute Secretary

Apologies

Cr D Smith	Mill Point Ward
Cr B Hearne	Como Beach Ward

Gallery

14 members of the public and 1 member of the press present

OPENING

The Mayor opened the Agenda Briefing at 5.30pm, welcomed everyone in attendance and gave special recognition to the Noongar people whose land we are meeting on and acknowledged in particular Noongar elder Dorothy Winmar who was present in the gallery. He then advised on the format of the Briefing stating that Deputations would be heard first followed by any questions on the

November Council Agenda Briefing 20.11.2007

Deputation items and then the November Council Agenda reports would be presented by the Chief Executive Officer.

DECLARATIONS OF INTEREST

The Mayor reported having received Declarations of Impartiality Interest from:

- Cr Doherty in relation to Agenda Items 10.0.9, 10.2.1 and 15.1.1; and
- Cr Trent in relation to Agenda Item 15.1.1.

Note: Crs Ozsdolay and Trent declared an Impartiality Interest in relation to Agenda Item 10.2.1

OPENING OF DEPUTATIONS

The Mayor opened Deputation at 5.40pm

Sheree Alexander-Cox (applicant) 29 Templemore Gardens, Waterford. **Agenda Item 10.3.5**

Ms Alexander-Cox spoke against the officer recommendation and gave a power point presentation on the following points:

- surveillance - fence does not restrict surveillance in any way
- streetscape - 30m fence would disrupt street environment more than 10m fence proposed
- fence design will enhance streetscape
- pool - proposed at front of house / best scenario as unused area
- design elements / setback line
- ask Council support proposed fence

Note: Copies of supporting documentation 'reasons for granting approval' were distributed to Members.

Note: Crs Hasleby arrived at 5.41pm and Cr Gleeson arrived at 5.45pm

Mr Gary Gower representing Moorditch Keila Aboriginal Community Group **Agenda Item 10.2.1.**

Mr Gower spoke in favour of the officer recommendation on the following points:

- background of Southcare and his involvement
- Council support in the Southcare Community Partnership
- Vision for Aboriginal people within the City of South Perth

Mrs Dorothy Winmar, Aboriginal Native Title Holder and Elder representing Moorditch Keila Aboriginal Community Group **Agenda Item 10.2.1.**

Mrs Winmar spoke in favour of the officer recommendation on the following:

- tribal background / Noongar Culture
- issues with children within the Aboriginal community
- programs / projects being initiated
- ask Council support the partnership

Mrs Dena Gower representing Moorditch Keila Aboriginal Community Group **Agenda Item 10.2.1.**

Mrs Gower spoke in favour of the officer recommendation on the following:

- membership Moorditch Keila
- focus - a healthy community for children / families
- need partnership with Council - help us help and support our people
- Moorditch Keila group all have degrees / educated people / a lot to offer
- camps / programs for behavioural problems
- sporting programs
- support facility at Manning Hall for services to support our community
- Moorditch Keila is important and is working well - it is a way to move forward
- ask Council support the partnership with Moorditch Keila

Mr Frank O'Connor, 14/1 Preston Street, Como (neighbour) **Agenda Item 10.3.3**

Mr O'Connor spoke against the officer recommendation on the following issues:

- disagree with 'vibrant' concept proposed - more residential / will never be a Mends St
- concerns about opening hours
- apprehensive upmarket restaurant proposed will not be viable
- concerns about Change of Use to Tavern
- main objection - change of use could end up as a gentlemen's club with associated problems
- believe unlicensed restaurant a better option
- ask Council to carefully consider issues raised in relation to Tavern proposed
- against proposal

Jenny Smithson of Cardno BSD (representing the owner No. 1 Preston Street, Como) **Agenda Item 10.3.3**

Ms Smithson spoke in favour of the officer recommendation on the following topics:

- proposal consistent with Council's TPS and policies
- designation 'Tavern' relates to license category **not** intended use of premises not proposed to be a "Karalee"
- proposal will assist in creating a vibrant main street
- residents concerns relating to change of use description unfounded
- not proposed to have live bands - will not operate after midnight
- will not change to a Tavern - to do so would need to come back before Council
- report and proposed conditions cover all relevant aspects of proposal
- proposal consistent with the City's Commercial Strategy and Precinct Plan for Como Beach.
- ask Council support proposal

Mr Michael Perry, 19 Glyde Street, South Perth (applicant) **Agenda Item 10.3.6**

Mr Perry spoke against the officer recommendation on the following points:

- history of existing house / retaining art deco style
- proposal to construct a dome-roof carport to existing house
- streetscape a mix of designs
- proposal 6m back from building line
- proposal in conflict with R Codes /Council policy - ask Council for determination
- ask Council support request for dome roof carport as proposed

Robert Mitchell, 7 Pilgrim Street, South Perth (neighbour) Agenda Item 10.3.9

Mr Mitchell spoke against the officer recommendation on the following:

- South Perth Hospital does not need the land
- South Perth Hospital can cater for its needs within its existing boundaries
- loss of trees if land developed by South Perth Hospital - unwarranted
- visual impact on streetscape
- concessions given to South Perth Hospital over many years excessive

Note: Mr Mitchell circulated coloured photographs to Members of streetscape in relation to proposed rezoning.

Patricia Groves, 15 Fortune Street, South Perth (neighbour) Agenda Item 10.3.9

Mrs Groves spoke against the officer recommendation on the following:

- support Mr Mitchell's concerns
- concerns about loss of trees / impact on streetscape
- one piece of common ground proposed to go - how much more
- ask Council not to support the re-zoning.

Note: Questions were raised by Members following each Deputations and responded to by the presenters / officers.

Close of Deputations

The Mayor closed Deputations at 6.38pm and thanked everyone for their comments.

COMMENTS ON DEPUTATIONS

The Mayor requested an officer comment on the issues raised in Deputations.

Agenda Item 10.2.1

The Manager Community, Culture and Recreation confirmed that Lotterywest is assisting with the process of 'incorporation' in order for the group to operate as an independent incorporated not for profit association. With regard to the level of funding, additional support provided to the group by the City includes direct grant funding, assistance in preparing grant applications from sources such as Lotterywest and the Office of Crime Prevention, and through facilitating networking opportunities with other community based organisations, government agencies and funding bodies. Once a Feasibility Study has been done this will open up opportunities elsewhere.

Agenda Item 10.3.3

The Manager Development Assessment stated that the application is for a change of use, from 'Café / Restaurant' to 'Tavern'. A 'Tavern' is defined as *'any land or building the subject of a Tavern Licence granted under the Liquor Licensing Act.* The applicant is seeking this type of licence pursuant to the Liquor Control Act. The property has the capacity to physically accommodate more than 160 people and is intended to cater for a different market and the applicants have stressed that the proposal will not operate as a 'Tavern' as most people would perceive, but rather would operate as an *'up-market restaurant and cocktail lounge, with a dedicated area for private dining, boardroom business sessions and cocktail style events'*. the term 'tavern' is used because of the licence category sought - **not** the intended use of the property.

Agenda Item 10.3.5

The Director Planning and Community Services referred Members to pages 68 and 69 of the Agenda paper and the R Code requirements of areas where there is deemed to be non-compliance under Performance Criteria which in this case is surveillance. In respect to the streetscape and the proposed wall he said the Acceptable Development provisions require that front walls and fences within the street setback area are visually permeable 1.2 metres above natural ground level. The proposal does not satisfy the Acceptable Development provisions.

Agenda Item 10.3.6

The Director Planning and Community Services said that the proposed dome roof carport conflicts with the objectives and provisions of the City's Design Guidelines Policy P370_T and is incompatible with the existing building and streetscape character and this view is supported by the DAC group. The proposal is also in conflict with the requirements of the R Codes relating to parking spaces as the plans do not accurately show how access to and from the carport will be achieved.

Agenda Item 10.3.6

The Strategic Urban Planning Adviser said that at the July Council meeting, essentially there was a decision that there needed to be an Amendment to the Town Planning Scheme. The report on the November Agenda gives effect to that July Council resolution and the necessary administrative process to be implemented to reflect that Council decision.

The Chief Executive Officer stated that commencing the process to Amend the Town Planning Scheme will in effect enable community consultation to commence and during this period the proposal will be widely advertised and submissions received and considered by Council at a later date probably in February. He said that this is essentially the beginning of a process and that Council, after considering any submissions made during the consultation period, would be quite within its rights to make the final decision taking into account the submissions made.

NOVEMBER COUNCIL AGENDA REPORTS

The Chief Executive Officer presented the November Council Reports and provided a brief summary of each, as follows. Questions and points of clarification were raised by Members and responded to by the officers.

10.0.1 Collier Park Hostel Progress Report

This report updates Council on the progress made since it resolved to appoint a consultant to assist the City to implement operational initiatives at Collier Park Hostel.

Note: Strategic Urban Planning Adviser left the meeting at 7.15pm

10.0.2 Certificate of Occupancy

This is a progress report on investigation relating to the provision of a Compliance Certificates prior to the issue of a Strata Title Certificate/Certificate of Classification for any multiple dwelling unit.

10.0.3 Preston Street Public Parking Facility

This report considers the development of a public car park for approximately 22 vehicles at No. 16 Preston Street adjacent to the Cygnet cinema.

Note: Cr Gleeson left the Council Chambers at 7.23pm and returned at 7.26pm

10.0.4 Single House, 69 Strickland Street

This application proposes a Two Storey Single House with Undercroft Parking at 69 Strickland Street. *(A report was previously considered by Council in August, at which time Council requested revised drawings be submitted.)*

10.0.5 Godwin Avenue and Bickley Crescent Road Reserves, Manning

This report considers partial closure of surplus portions of the Godwin Avenue and Bickley Crescent road reserves

10.0.6 Right-of-Way No. 133 Como

This report seeks clarification with respect to the **extent** of the October Council decision to partially close Right-of-Way No. 133 in Como.

10.0.7 Request for Part Closure of Right-of-Way No. 82, Como

This report provides advice received from the Western Australian Planning Commission (WAPC) in response to Council's decision to initiate partial closure of Right-of-Way (ROW) No. 82.

10.0.8 Request for Partial Closure of Right-of-Way No. 106 Como

This report provides advice received from the Western Australian Planning Commission (WAPC) in response to the Council's decision to initiate partial closure of Right-of-Way (ROW) No. 106.

Note: Legal and Governance Officer retired from the meeting at 7.45pm

10.0.9 Sewerage Disposal Options Sir James Mitchell Park

This report documents the progress of the work conducted by the Engineering Consultant appointed to investigate options for the disposal of sewerage at Sir James Mitchell Park and to generally progress the work of the Sir James Mitchell Park, Sewerage Disposal Working Group.

10.2.1 Community Partnership Moorditj Keila (*Subject of a Deputation*)

This report recommends that the City enter into a new Community Partnership with the Aboriginal Community Support group *Moorditj Keila*.

10.3.1 Draft Policy P398

This report presents draft Planning Policy P398 "Applications for Planning Approval: Applicant's Responsibilities" for Council's endorsement prior to public advertising.

DECLARATION OF INTEREST : CR GLEESON : ITEM 10.3.2

"I wish to declare a Declaration of Interest in relation to Item 10.3.2 of the November 2007 Council Agenda "Retrospective Planning Approval for Change of Use from Office to Consulting Rooms Lot 1 (No. 95) Canning Highway, cnr Dyson Street, South Perth" as a part-owner of the 'Dyson Business Centre' at 95 Canning Highway, cnr Dyson Street, South Perth."

Note: Cr Gleeson left the Council Chamber at 7.50pm

Item 10.3.2 Change of Use 95 Canning Highway, cnr Dyson Street,

This application relates to an existing building on the corner of Canning Highway and Dyson Street (the Dyson Business Centre) and seeks retrospective approval for a change of use from Office to Consulting Rooms for Tenancy 5.

Note: Cr Gleeson returned to the Council Chamber at 7.55pm

10.3.3 Change of Use - 'Café / Restaurant' to 'Tavern' Preston Street, Como (*Subject of a Deputation*)

This report deals with a proposed Change of Use from 'Café / Restaurant' to 'Tavern' for a vacant ground floor commercial tenancy at No.1 Preston Street, Como and related issue of licence.

10.3.4 Change of Use: Shop to Temporary Use, George Street

This application relates to the proposed use of an established commercial premises for the purpose of Indoor Sporting Activities at Lot 1 George Street, Kensington.

Note: Manager Environmental Health Services retired from the meeting at 7.56pm.

10.3.5 Request for Review of Condition of Planning Approval. 29 Templemore Gardens, Waterford (Subject of a Deputation)

This report reviews a request for a **solid 1.8 metre** high fence located within the front setback area whereas the condition of planning approval allows the fence to be solid to a maximum height of 1.2 metres and visually permeable thereafter.

10.3.6 Carport Addition to Single House at 19 Glyde Street, South Perth. (Subject of a Deputation)

This application relates to the proposed addition of a dome roof carport to an existing Single House which conflicts with the City's "General Design Guidelines" policy.

10.3.7 Single House at 12 McNess Glade, Salter Point

This application relates to a Two Storey Single House designed with a flat roof over the main dwelling and blank walls on both sides of the house; ie a 'cubic' appearance which is not consistent with the predominant character of housing within the focus area.

10.3.8 Naming of Right-of-Way No. 123 Como

This report considers a request to initiate the process towards the naming of Right-of-Way No. 123 which is owned by the City of South Perth.

10.3.9 Amendment No. 10 to TPS6 to rezone portion of Pt. Lot 1 Burch Street, South Perth (Subject of a Deputation)

This Amendment action forms part of a long series of processes related to a request by the South Perth Hospital to purchase a piece of Council-owned land at the end for Burch Street, South Perth.

Note: Cr Burrows left the Council Chamber at 8.04pm

10.3.10 Proposed New Establishment Agreement Rivers Regional Council

This report presents a draft revised Establishment Agreement from the Rivers (*previously* South East Metropolitan) Regional Council seeking an indication whether each Council will support signing the document.

10.4.1 Underground Power Program - Como East Project

This report provides the basis for the service charge against the affected property owners to be adopted by Council as co-partner to the State Undergrounding of Power Project.

Note: Cr Burrows returned to the Council Chamber at 8.06pm

10.4.2 River Wall and Foreshore Works

This report recommends treatment methods and advises the funding arrangement in relation to a section of the Como Beach foreshore that has severely eroded and a section of wood wall on the same foreshore that has failed.

Note: Manager City Environment retired from the meeting at 8.12pm

10.5.1 Applications for Planning Approval Determined Under Delegated Authority

This report details applications for Planning Approval determined under Delegated Authority.

10.5.2 Use of the Common Seal

This report details list of the use of the Common Seal for the month of October 2007.

10.5.3 Swan Catchment Council

The purpose of this report is to consider nominating a Councillor to the Swan Catchment Council's 'Local Government Reference Group' to act as a 'link' between the Council and the delivery of Integrated Natural Resources Management (NRM).

10.5.4 Delegates from Council

The purpose of this report is to nominate Delegates to represent Council on several external organisations.

10.5.5 Council Meeting Schedule 2008

The purpose of this report is to adopt the Council Meeting / Agenda Briefing Schedule for the 2008 year.

10.6.1 Monthly Financial Management Accounts

This report presents monthly management account summaries and compares actual performance against budget expectations.

10.6.2 Monthly Statements of Funds, Investments and Debtors

This report presents to Council a statement summarising the effectiveness of treasury management for the month.

10.6.3 Warrant of Payments Listing'

This reports presents a list of accounts paid by the CEO under delegated authority (Delegation DC602) between 1 September 2007 and 31 October 2007.

10.6.4 Statutory Financial Statements for Quarter End 30.9.07

In accordance with statutory requirements, this report presents an Income Statement for the period ended 30 September 2007.

10.6.5 Budget Review for Quarter End 30.9.07

This report provides a review of the 2007/2008 Adopted Budget for the period to 30 September 2007.

10.6.6 Capital Projects Review to 30 October 2007

This report presents a schedule of financial performance supplemented by relevant comments in relation to approved capital projects to 31 October 2007.

Confidential Not to be Disclosed Reports

15.1.1 City of South Perth Volunteer of the Year Award

15.1.2 Review of Collier Park Golf Course Lease

Note: As there were no questions raised in relation to the *Confidential Not to be Disclosed* Reports at Items 15.1.1 and 15.1.2 the meeting was **not** closed to the public.

Closure

The Mayor closed the Agenda Briefing at 8.23pm.



NOTES
CONCEPT FORUM
Bentley Technology Precinct
Held in the Council Chamber
Thursday 29 November 2007
Commencing at 5.30pm

Present:

Mayor J Best

Councillors:

I Hasleby	Civic Ward
P Best	Como Beach Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
S Doherty	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Planning and Community Services
Mr G Flood	Director Infrastructure Services
Mr R Bercov	Strategic Urban Planning Adviser

Presenters

Mr Peter Walton	NS Projects
Ms Linley Lutton	Hames Sharley
Mr Lynden Prince	Creating Communities
Mr Behnam Bardbar	Transcore

Apologies

Cr T Burrows	Manning Ward
Cr D Smith	Mill Point Ward
Cr K Trent	Moresby Ward

Gallery

11 members of the public attended from 6.30pm

OPENING

The Mayor opened the Briefing at 5.30pm, welcomed everyone in attendance and then introduced the members of the Consultant Team.

1. Bentley Technology Precinct

Peter Walton of NS Projects gave a power point presentation covering the following topics:

- Vision statement for the Bentley Technology Precinct
- Phase 1 Structure Plan milestones
- Parallel projects - Bentley Technology Precinct / Canning Activity Corridor

Lynden Prince of 'Creating Communities' delivered a power point presentation outlining the strategy for community and stakeholder engagement.

It was explained that in Phase 1 the focus is on stakeholder engagement including:

- Dialogue Cafes
- Sundowner for Technology Park tenants
- Interviews
- Blog site www.communityofminds.com.au
- Email blasts
- Council briefings
- Traditional owners' consultation

It was explained that in Phase 2 the focus is to be both community and stakeholder engagement including:

- Postcards to residents
- Infoline
- Information point at Technology Park Function Centre
- Open days at local shopping centres
- Opportunity for community group briefings
- Advertorials in local papers
- Project newsletters
- Project profiles
- Blogsite
- Email blasts
- Dialogue Cafes

Ms Linley Lutton of Hames Sharley gave a power point presentation covering the following points:

- Development strategy
- Main issues
- Conceptual layers
- Current focus
- Preliminary Master plan
- Canning Activity Corridor
- Traffic and transport strategies
- Governance
- timing
- streetscapes
- sustainability check
- development potential

Questions were raised by Members and responded to by presenters / officers on the following matters:

- potential areas for future development of student housing
- allowance in timetable for local government town planning scheme amendments
- proposed methods to minimise any potential increase in traffic volumes

2. **Open to the Public**

Following the conclusion of the Concept Forum presentations at 6.30pm the Concept Forum was open to the public.

The Mayor welcomed 11 members of the public and read aloud apologies from Simon O'Brien MLC, John McGrath MLA and Denise Thomas, Immediate Past President P& C Kensington Primary School.

Peter Walton, Lynden Prince and Linley Lutton presented power point presentations covering similar points to those outlined in the earlier briefing to Members.

Questions were raised by Councillors and members of the public and responded to by the presenters / officers on the following issues:

- Whether public parking stations and CAT bus systems were proposed
- Whether blog site would benefit from more feedback/two way flow
- The nature of the community engagement program
- Whether traffic volumes are likely to increase and potential management strategies
- Potential impact of Structure Plan proposals on hockey stadium (in response-no impact intended or expected)
- Whether consideration was being given to east-west connections for pedestrian movement
- Whether engagement processes were designed to capture the interest of the 'Y' Generation
- Whether the Manning Road connection to the Kwinana Freeway is to be considered
- Whether built form construction is to be by developers or another delivery mechanism, and how the vision is to be maintained.

3. Closure

The Mayor thanked everyone for their attendance and closed the Concept Briefing at 8.05pm



NOTES

- Roles/Responsibilities of Elected Members
- Progress of Establishment Agreement RRC

Held in the Council Chamber

Tuesday 4 December 2007

Commencing at 5.30pm

Present

Mayor J Best

Chairperson

Councillors

G W Gleeson

Civic Ward

I Haselby

Civic Ward

P Best

Como Beach Ward

T Burrows

Manning Ward

C Cala

McDougall Ward

R Wells

McDougall Ward

R Grayden

Mill Point Ward

S Doherty

Moresby Ward

Officers

Mr C Frewing

Chief Executive Officer

Mr S Cope

Director Planning & Community Services

Mr S McLaughlin

Legal & Governance Officer (until 7pm)

Mr R Bercov

Strategic Urban Planning Adviser (until 7pm)

Mr C Buttle

Manager Planning Assessment (until 7pm)

Mr O Hightower

Planning Officer (until 7pm)

Mr L Anderson

Planning Officer (until 7pm)

Presenters

Mr Denis McLeod

McLeods Lawyers

Mr Ron Hoffman

Chairman, (SEMRC) RRC (from 7.00pm)

Mr Bob Tizard

Deputy Chairman (SEMRC) RRC (from 7.00pm)

Mr Alex Sheridan

CEO (SEMRC) RRC (from 7.00pm)

Mr John Woodhouse

Woodhouse Legal (from 7.00pm)

Apologies

Cr L P Ozsdolay

Manning Ward

Cr D S Smith

Mill Point Ward

Cr K R Trent, RFD

Moresby Ward - leave of absence

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

1. ROLES / DUTIES OF COUNCIL, COUNCIL MEMBERS AND KEY EMPLOYEES

Mr Denis McLeod of McLeods Lawyers commenced his presentation and covered the following topics:

1.1 Council

Council's primary duty is to provide good government within its district. (LG Act s.3.1).

1.2 **Councillors**

- The Council is the governing body of the LG (LG Act s 2.6(1)).
- Duty of Councillor not separately defined. But it is conditioned by the nature of Council's duty.
- Therefore a Councillor, in order to perform his/her duty, must act in the interest of good government of the **whole district**.
- This duty may be modified by other laws; eg planning laws and the duties in determining applications.

2. **Councillors as Representatives of the Community or a Ward or Group**

- Councillor is elected by a Ward.
- To what extent can Councillor represent interests of Ward in Council affairs?
- How does the representing reconcile with duty of Councillor to the district?
- How does the representing reconcile with duty of Councillor in exercising quasi judicial functions?
- Similar considerations apply to representatives of community groups or individual interests.

3. **Function of Council**

- Legislative
- Executive
- Judicial (or quasi-judicial). S.3.4 states the general function of local government **includes** legislative and executive functions, but that clearly does not exclude judicial. Note the special aspects of each.

4. **Representing Ward in these Functions**

- (a) Legislative
- (b) Executive
- Can advocate interests of Ward, or indeed an individual, in these functions to the extent that does not conflict with the interest of good government of the district?
- (c) Judicial (or quasi-judicial)
- Must act with judicial fairness, without bias or pre-judgment. Must make decision solely on the merits of the case, based on information available to the whole Council.

5. **What May Ward Require?**

- Ward may require Councillor to report views of Ward members or groups to the Council.
- But, cannot require Councillors to decide matters in any particular way.
- Councillor is representative - is not delegate.
- Must be free to decide matters in a real way, and can't act under dictation.
- Recommend that councillors relinquish membership of community organisations especially if they are active in particular areas which will come to council for decision.

Consequences

- (a) Legislative functions
- (b) Executive functions

If act under dictation, and decisions made are not in the interest of good government of the district, then Councillor will be in dereliction of duty. There is likely to be corruption within s 4(d)(ii) of the CCC Act 2003. If loss occurs, Councillor may be personally liable (LG Act s.9.56 - has to be good faith).

- (c) Quasi-judicial functions.
- Decisions on applications, ie for any approval, consent or licence.
- Acting under dictation will be a case of bias or conflict. Decision of the Council is liable to be invalidated.

May also result in personal liability of the Councillor (*Murcia v City of Nedlands*). May also be corrupt conduct (CCC Act s 4(d)(ii)).

6. Requiring Councillor to Obey

A threat of withdrawal of vote from Councillor if Councillor does not make decisions in a certain way may be an offence.

7. Role of Council, Mayor (and Deputy Mayor) and Councillor

7.1 Council

s 2.6 Governing body of the LG.

s 2.7(1)(a) Directs and controls the LG's affairs, and

(b) is responsible for performance of LGs functions.

(2)(a) oversees allocation of LGs finances and resources.

(b) determines policies.

7.2 Mayor

s 2.8 (a) Presides at meetings;

(b) leadership and guidance to community;

(c) civic and ceremonial duties;

(d) speaks on behalf of the LG;

(e) performs functions given to Mayor under LG Act or other written laws;

(f) liaises with CEO on LG's affairs and performance of its functions.

Note. Under s 2.8(2), s 2.10 extends to Mayor who is not a Councillor.

7.3 Deputy Mayor

s 2.9 Deputy Mayor performs Mayor's functions in s 5.34 circumstances.

s 5.6(2) Deputy Mayor presides where position of Mayor vacant, or Mayor is unavailable, unable or unwilling to perform functions of Mayor.

s 5.34(1) In those circumstances, the Deputy Mayor performs the functions of the Mayor.

7.4 Councillor

s 2.10 (a) Represents interests of electors, ratepayers and residents;

(b) leadership and guidance;

(c) facilitates communication;

(d) participates in decision-making functions of Council;

(e) such other functions as are given to Councillors under LGA and other written laws.

8. Administration. Councillor/Officer Dichotomy

8.1 Under LG Act s.5.2, the Council must ensure that there is an appropriate structure for administering the local government. **But** the Council does not otherwise administer the LG. This provision underlines the limits of council's role - establish an appropriate administrative structure and let it get on with day-to-day management.

8.2 Decision-Making Structure – All Meetings

Council;

Committees;

Electors.

Part 5, Divisions 2 and 3.

Part 5, Division 9.

The governing rules are in:

a. Divisions 2 and 3;

b. Standing Orders;

c. Division 9 and LG (Rules of Conduct) Regulations 2007;

d. Reg 3 principles from the LG Rules of conduct regulations;

e. Code of Conduct;

f. CCC Act 2003;

g. General Law.

8.3 Local Government Employees

An essential part of the structure for administering the local government is to employ a CEO and “such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed”. (s.5.36(1)).

Generally speaking:

- Council makes the broad decisions; and
- CEO -
 - (a) advises and liaises with Council (s.5.41(a), (b), (e));
 - (b) implements Council decisions (s.5.41(e));
 - (c) manages the day to day operations of the local government (s.5.41(d));
 - (d) speaks on behalf of the local government if Mayor or President agrees;
 - (e) has responsibility for employment management supervision and dismissal of other employees;
 - (f) keeps records; and
 - (g) performs other functions specified or delegated by the local government or the Local Government Act or any other written law.

8.4 Other employees perform their functions under the C.E.O.

8.5 Guiding decisions of Council under Part 5 Division 5.

Annual Reports and Planning Principal Activities.

8.6 Division of Responsibilities

Recent Local Government Inquiries make it clear that the failure of Councillors to observe the proper separation of their functions and those ordinarily assigned to employees will be an indication of the failure of effective local government in the district.

The LG (Rules of Conduct) Regulations 2007 now make this separation clear in regs 8, 9 and 10. Councillor involvement in administration is a minor breach subject to disciplinary action under s 110(6).

These provisions clarify the division of responsibilities between Council and the administration.

9. Governance

9.1 The proper identification and performance of functions by the responsible persons to provide good government outcomes for the district is the essence of the local government governance obligation. Provided all functions are performed conscientiously by the responsible organ of the local government the obligations of good governance will be met.

9.2 The LG Act 1995 assists the case of governance by spelling out what the functions are of the different organs of the local government. Good governance requires functions to be performed by the appropriate persons in accordance with the law.

- South Perth Inquiry Report 2007;
- Belmont Inquiry Report.

10. Probity – Good Faith

10.1 There is no clear definition of probity in the local government context. However the LG Act clearly requires that functions be performed in good faith. This must be the essence of probity.

Consider

- (a) LG (Rules of Conduct) Regulations 2007, reg 3.
- (b) CCC Act s 4.
- (c) Public Sector code of ethics - Smith’s Beach Inquiry suggests that the Code applies to all public sector persons including local government members and employees.

10.2 Probity is defined in the Shorter OED to mean –

“moral excellence, integrity, rectitude, uprightness, conscientiousness, honesty, sincerity.”

Members and employees are required to perform their functions with integrity, and honesty and conscientiousness. The other qualities are desirables. They make the difference between a good Member or employee and an indifferent one. But it is integrity, honesty and conscientiousness that are essential.

The need for these qualities are reinforced by the existence of the CCC, new Conduct Rules and the reg. 3 principles.

If a councillor acts in accordance with the reg. 3 principles then they will be acting appropriately.

10.3 Absence of honesty or integrity or conscientiousness will likely indicate lack of good faith. These qualities are the focus of probity complaints in Inquiry Reports.

- Belmont Inquiry Report

Some of these complaints are very tenuous, and difficult to confront.

10.4 Lack of good faith removes the protection that Members and employees enjoy from tortious liability (s. 9.56).

10.5 Lack of good faith in this sense also will be a basis for report to the Crime and Corruption Commission which is concerned with serious misconduct.

11. Duties of Confidentiality and Solidarity

11.1 Cabinet Model

Dicey’s view on the convention or rule of Cabinet confidentiality and solidarity. The effective functioning of a government depends on the convention of Cabinet confidentiality and solidarity.

11.2 Tribunal Model

Having performed a judicial function, the Tribunal must retain confidentiality and solidarity on certain matters if it is to retain its dignity and to command community respect.

The way of voting is the most that should be disclosed outside what appears in the records.

11.3 Local Governments Executive and Quasi-Judicial Roles

There is an obvious need to recognize a place for confidentiality and solidarity in a local government’s performance of its executive and judicial functions. Why should local government be handicapped by a misplaced concept that the conventions/rules of Cabinet confidentiality and solidarity do not apply to the performance of sensitive executive functions?

11.4 Method and Time of Disclosing Dissent

Should not be disclosed in a manner calculated to reduce the respect for and status of the Council.

11.5 Confidentiality under the LG Act

S. 5.93 is the minimal statement of the issue for local governments.

It must go further when considered from the point of view of governance and probity.

The proper place to deal with issues of confidentiality and solidarity is in Standing Orders and Codes of Conduct.

Question Time

Lobbying by Developers and Residents with Planning Applications

- Avoid meeting with applicants alone;
- Always meet with officers present in City offices;
- Preferable if meetings are organised so that all councillors may attend.

Note: Mr McLeod concluded his presentation at 7pm and the Mayor thanked him for addressing the Members.

Mr McLeod and the Legal and Governance Officer, Strategic Urban Planning Adviser, Manager Planning Assessment and Planning Officers O Hightower and L Anderson retired from the meeting at 7.00pm

PROGRESS OF ESTABLISHMENT AGREEMENT - RRC (RIVERS REGIONAL COUNCIL)

Mr John Woodhouse delivered a PowerPoint presentation covering the following points:

Preliminary

Existing Establishment Agreement - to be replaced

- Name - change to Rivers Regional Council
- Region - unchanged
- Election of Chairman/Deputy Chairman - reference to new (October) elections
- 2 Councillors each

Regional Purposes

- Narrower purposes
- Primary = processing etc of participants' waste
- Waste
 - residential premises
 - collected by participants
 - but not separately collected garden waste/recyclables/bulk rubbish
- Other Purposes
 - Education
 - Lobbying
 - Feasibility of other services

Financial Contributions

- 3 scenarios
 1. budget deficiency
 2. deficit
 3. anticipated exceptional deficit
- Proportionality
- Participant's waste : total waste of all participants
- Previous year's tonnes

Paid Surplus

- Same proportions for payment

Winding Up

- Steps
 1. realise assets
 2. meet liabilities
 3. resultant net surplus or liability
 4. If surplus then repay capital 1st and distribute balance - proportions based on 5 year tonnes
 5. if net liability then paid in proportions (5 year tonnes)

Withdrawal

- Only by agreement
- Obligation to negotiate
- No formula but principles/relevant factors
- Principles = credit as if a winding up
- Factor = impact of withdrawal including impact on continuing contracts

Questions were raised by Members on John Woodhouse's presentation with respect to the following issues:

- At what point in time the RRC is expected to finalise a preferred site for a RRRF and achieve certainty of tenure.
- At what point in time the preferred technology for a future RRRF is expected to be determined.
- The nature of the guarantee that RRC members would be required to provide with respect to waste delivery and underwriting a future RRRF.

Alex Sheridan, CEO of the (SEMRC) RRC presented a PowerPoint presentation covering the following:

- Background to SEMRC
- Objectives of the SEMRC
- Rationale for alternative waste treatment
- Local government principal waste objectives
- SEMRC aim
- SEMRC RRRF concept
- Benefits of SEMRC RRRF
- Status of RRRF feasibility study

Mr Ron Hoffman, the Chairman of (SEMRC) RRC provided an update on the site selection.

The (SEMRC) RRC representatives asked City of South Perth Elected Members to advise what additional information was required to enable the City of South Perth to consider the proposed Establishment Agreement matter further.

At the conclusion of the presentation, questions and points of clarification were raised by Members and responded to by the presenters. The forum then moved into general discussion.

Note: Hard copies of the presentation were circulated to Members via their satchels on 4 December.

CLOSURE

The Mayor thanked everyone for their attendance and closed the Concept Forum 8.15pm..



NOTES

- TOWN PLANNING MAJOR DEVELOPMENTS
 - Proposed Seven Multiple Dwelling - 19 South Perth Esplanade
 - Proposed Nine Multiple Dwellings - 75 Mill Point Road, South Perth
 - Review Conditions - St Columba's School (Retaining Wall)
- Red Bull Air Race Debrief/Feedback

**Held in the Council Chamber
Wednesday 5 December 2007
Commencing at 5.30pm**

Present

Mayor J Best

Chairman

Councillors

I Haselby

Civic Ward

P Best

Como Beach Ward

T Burrows

Manning Ward (until 6.55pm)

L P Ozsdolay

Manning Ward

C A Cala

McDougall Ward (until 7.07pm)

R Wells, JP

McDougall Ward

R Grayden

Mill Point Ward

D S Smith

Mill Point Ward

S Doherty

Moresby Ward

K R Trent, RFD

Moresby Ward

Officers

Mr S Cope

Director Planning and Community Services

Mr C Buttle

Manager, Development Assessment

Mr J Devereux

Senior Planning Officer (until 6.31pm)

Ms N Cecchi

Secretary, Planning Services (Notes)

Presenters

Mr Tom Brooking

Brooking Design Practice (until 5.56pm)

Mr Rob Weir

Brooking Design Practice (until 5.56pm)

Mr Bruce Robinson

Bruce Robinson & Associates (until 6.31pm)

Ms Martine Cason

Bruce Robinson & Associates (until 6.31pm)

Mr Andrew Wright

St Columba's School - Parent (until 7.07pm)

Mr Chris Lamb

St Columba's School - Principal (until 7.07pm)

Ms Fiona Kelsall

St Columba's School - Board Member (until 7.07pm)

Apologies

Cr G W Gleeson

Civic Ward

OPENING

The Mayor opened the Concept Forum at 5.37pm and welcomed everyone in attendance and then introduced the presenters.

1. Town Planning Major Developments

(a) Proposed Seven Multiple Dwellings - 19 South Perth Esplanade

Mr Tom Brooking of Brooking Design Practice provided background on the following:

- Site analysis;
- Inspiration;
- Master planning;
- Volumetric model;
- Interior opportunities;
- Floor plan - Ground / First / Second / Third;
- Roof plan; and
- Artist's impression

Mr Rob Weir of Brooking Design Practice provided an overview of the following:

- View from west; and
- View from Queen Street.

At the conclusion of the presentation, Members raised questions which were responded to by the presenters / officers in relation to the following matters:

- Overshadowing;
- Boundary wall;
- Swimming pool privacy screening;
- Existing trees;
- Rear balconies;
- Top deck; and
- Neighbour consultation.

Note: The Mayor thanked the presenters for addressing the briefing. The presenters for 19 South Perth Esplanade left the briefing at 5.56pm.

(b) Proposed Nine Multiple Dwellings - 75 Mill Point Road, South Perth

The Director, Planning and Community Services provided background on the development and introduced Mr Bruce Robinson, of Bruce Robinson & Associates who presented an overview on the following:

- Brief history of this application to date;
- Basement level;
- Ground floor;
- Floor plan - Levels 1 and 2 / Levels 3 to 7;
- Roof deck plan;
- Roof plan;
- 3d shadow diagram;
- Site plan + shadow study;
- East / North / West / South elevations;
- Section A - A;
- Plot ratio analysis; and
- Table of areas.

At the conclusion of the presentation, Members raised questions which were responded to by the presenter / officers in relation to the following matters:

- Plot ratio;
- Equipment / Store room;
- Bin storage area;
- R-Codes / TPS6 interpretation; and
- Visual and physical form;

Note: The Mayor thanked the presenter for addressing the briefing. The presenter for 75 Mill Point Road and the Senior Planning Officer left the briefing at 6.31pm.

(c) Review Conditions - St Columba's School (Retaining Wall)

The Mayor introduced Mr Andrew Wright, Mr Chris Lamb and Ms Fiona Kelsall representing St Columba's School who provided background on the following:

- Why is RL 22.28 level of oval important to school; i.e. keeping oval 800mm higher - Physical separation between children and general public is important / Maintains current aspect of church within school grounds.
- What has school done to address previous concerns - Significantly reduced wall height and bulk by setting wall back further from street at corners and increasing width of planter box along Hopetoun Street to a total of 2 metres / Retained largest of mature trees.
- 1.05 metre decrease in height of wall (Forrest Street).
- 0.8 metre decrease in height of wall (Alexandra Street).
- Modifications to keep oval at RL 22.28; i.e. keeping oval 800mm higher - Increasing setback of truncations at corners (3.8 metres at Forrest Street and 4.3 metres at Alexandra Street) / Retaining largest of mature trees / Increasing Hopetoun Street planter box width by 1.0 metre to total of 2.0 metres.
- Conclusion - School's modifications decrease wall height in areas of concern by at least 800mm.

Note: Cr Burrows retired from the Concept Forum at 6.55pm.

At the conclusion of the presentation, Members raised questions which were responded to by the presenters / City officers in relation to the following matters:

- Neighbour consultation;
- Security;
- SAT mediation process;
- Oval level in relation to Church structure; and
- Cost.

Note: The Mayor thanked the presenters for addressing the briefing and suggested the proponents inform the affected community of the reconsideration request. The presenters advised that the plans, as presented, are available for public viewing. The presenters for St Columba's School left the briefing at 7.07pm.

Note: Cr Cala retired from the Concept Forum at 7.07pm.

Note: Hard copies of the presentations will be circulated to Members via their satchels on 14 December.

2. Red Bull Air Race Debrief/Feedback

Manager Environmental Health Services gave a debriefing presentation following the Red Bull Air Race covering the areas of Communication Strategy, Traffic/Parking Management, Policing and Emergency Services, Crowd Control, Litter Management, Clean-up and Conclusion/Feedback.

He provided Councillors with the results of the Community Feedback which was available on the City's webpage. The feedback identified the following areas for consideration in next years event:

- Road blocks - generally supportive
- Saturday road closure seemed unnecessary.
- Public transport - more required.
- Traffic controllers to firm/inflexible.
- Retailers' clients denied access to restricted area on the Saturday.
- Several traders did not open.
- Vehicles/pedestrian hazard on foreshore.
- Lane closures on Canning Hwy.

At the conclusion of the presentation, Members raised questions which were responded to by Manager Environmental Health Services in relation to the following matters:

- Road closures on the Saturday which effect retail outlets.
- More effective communications strategy to all within effected area.
- Dedicated communication telephone line during the event for residents.
- Effective briefing sessions for traffic controllers prior to event.

Note: The Mayor thanked the Manager, Environmental Health Service for addressing the briefing on the Red Bull Air Race and presented him and his staff with a "Certificate of Recognition" for the work and dedication given to managing the event on behalf of the City.

3. Closure

The Mayor thanked everyone for their attendance and closed the Concept Forum 7.54 pm.

10.2.1 Community Partnership Moorditj Keila
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Location:	Council
Applicant:	City of South Perth
File Ref:	GS/102
Date:	5 November 2007
Author:	Neil Kegie, Manager Community Culture and Recreation
Reporting Officer:	Steve Cope, Director Planning and Community Services

Summary

This report recommends that the City enter into a new Community Partnership with the Aboriginal Community Support group *Moorditj Keila*.

Background

The City recognises that effective community outcomes can best be achieved by working in partnership with organisations towards common goals. The City is committed to identifying partnering opportunities and developing Community Partnership Agreements that are aimed at delivering benefits to the City of South Perth Community.

The goals of the Community Partnerships program are to:

1. provide opportunities to develop partnerships between the City and the community;
2. enable groups and individuals to maximise their development opportunities;
3. provide an equitable means by which community groups can access funding;
4. provide a process for distributing funds to meet defined outcomes; and
5. involve stakeholders in a shared approach to the development of projects and services in the City.

Through a number of programs the City provides opportunities for organisations to enter into Community Partnerships so they may access financial and other forms of support from the City to assist in the delivery of programs and services. A significant difference between a Community Partnership and general funding assistance from the City is the increased level of commitment to working together towards common goals.

In 2003 the City established Community Partnership Agreements with Southcare Incorporated and Perth Zoo. In 2004 a Community Partnership was established with the South Perth Church of Christ and in 2006 a Community Partnership was established with Millennium Kids Incorporated. In October 2007 council endorsed a Community Partnership with the RSPCA to support its annual Million Paws Walk. This proposed Community Partnership Agreement with *Moorditj Keila* will be the sixth such agreement that the City will have entered into with local community based organisations with a view to collaboratively working towards common objectives.

Comment

The South Perth Aboriginal Community group *Moorditj Keila* (happy healthy dolphin) is the name given to the group by native title holder and elder Mrs Dorothy Winmar of Manning. The dolphin is significant to Aboriginal people for the Canning and Swan River areas adjacent to the City of South Perth. The group is committed to building healthy relationships and promoting safe and happy lives for Aboriginal children, youth, women, men and the family unit.

Moorditj Keila's Mission Statement is to develop the capacity of the Aboriginal community in partnership with the broader community to empower individuals and families to build a community of trust, engagement and participation for the mutual benefit of all.

Moorditj Keila is the umbrella group for the Moorditj Yorgas (Women's) Danjoo Wangkanini group and Marmans (Men's) group. These groups work collaboratively with local service provider Southcare Incorporated, in particular with Southcare's Aboriginal Family Support Services as well

as with other relevant stakeholders in developing and supporting an holistic health and well-being service to Aboriginal people encompassing wider community benefits.

Over the past twelve months City officers have been working with *Moorditj Keila* on a number of projects including the Clontarf Family event for Fiesta 2007 and a project which saw approximately 40 predominantly Aboriginal children organised into basketball teams and integrated into a local basketball competition. This particular project was developed in response to some anti social behaviour by a small group of children at the Welwyn Avenue shopping precinct. In addition to a reduction in undesirable behaviour this project demonstrated the broader benefits of a positive early intervention approach.

Additional support provided to the group by the City includes direct grant funding; assistance in preparing grant applications from other sources such as Lotterywest and the Office of Crime Prevention, and though facilitating networking opportunities with other community based organisations, government agencies and funding bodies.

The group has been operating from the Manning Hall and also through a special arrangement with the Manning Rippers Football Club, from the James Miller pavilion. However with the expansion of the group's programs and as equipment and materials are procured, it has identified the need for a home base with storage and administrative space. Representatives from the group have been meeting regularly with City Officers, including on two occasion meetings with former Mayor Collins and Cr Ozsdolay to discuss ways in which the City can extend its support. The development of a Community Partnership between the City and *Moorditj Keila* was discussed at these meetings as an effective way of working together to address a range of issues.

The main objectives of an agreement will be:

1. To Promote a greater understanding and respect for Noongar Culture and other Aboriginal people
2. Collaboration on Fiesta, other community events and Art projects
3. Facilitation of relationships between the City of South Perth, *Moorditj Keila* and other community organisations
4. Exploration of opportunities for collaboration including but not limited to an Aboriginal Community Arts Centre, Aboriginal Church and hostel
5. Collaboration on support services including but not limited to Elders, women, men, youth, children and families.

Through this proposed partnership agreement the City would provide the following support to *Moorditj Keila*;

Funding

\$5,500 as a contribution towards the groups ongoing programs

Venue - Program Delivery

Waiver of casual hire charges for weekly usage of Manning Hall

Venue - Administration

- (a) Free exclusive use of a storage area at Manning Hall; and
- (b) A commitment to working with the City to identify longer term accommodation options for the group

Attachment 10.2.1 is a draft agreement which outlines the detail of the Community Partnership.

At the time this report was prepared *Moorditj Keila* had commenced the process of incorporation in order for the group to operate as an independent incorporated not for profit association. In order to progress the development of the partnership while ensuring appropriate governance and protection for all parties, this Community Partnership Agreement will be auspiced by Southcare Incorporated which provides ongoing support to *Moorditj Keila* and which would assume responsibility for overseeing the agreement.

Consultation

Officers have developed the draft partnership agreement in collaboration with representatives from *Moorditj Keila* and Southcare Incorporated.

Policy and Legislative Implications

This report relates to Policy P202 *Funding Assistance* which states:

Level 1. Community Partnerships

The City may enter into Community Partnerships with identified organisations that provide a major benefit to the City of South Perth community.

Financial Implications

The recommendation of this report has both cash and 'in kind' cost implications

Cash:

\$5,500 from the City's Funding Assistance Program and which is within budgetary parameters

In Kind:

The value associated with the waiver of hall costs is \$120 per week for the use of Manning Hall for programs and activities and \$16 per month for the waiver of a storage fee. Assuming a usage of 45 bookings in a year this amounts to an 'in kind' value of \$5,592.

Strategic Implications

This report relates to the following aspects of the City's Strategic Plan 2004 - 2008:

Goal 2: Community Enrichment - To foster a strong sense of community and a prosperous business environment

Strategy 2.2: Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations

OFFICER RECOMMENDATION ITEM 10.2.1

That Council endorse a Community Partnership with the Aboriginal Community Support Group *Moorditj Keila* as outlined in **Attachment 10.2.1**.

Community Partnership



The Parties

The parties to this agreement are:

City of South Perth ('the City')
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

and

Southcare Incorporated
54 Bickley Crescent
MANNING WA 6152
ABN: 33 028 429736

as the Auspice Body for;

South Perth Aboriginal Community Group Moorditj Keila

c/o Southcare Incorporated
54 Bickley Crescent
MANNING WA 6152

Community Partnerships

Background

Joint Objectives

This Community Partnership Agreement outlines ways in which the City and the South Perth Aboriginal Community Group Moorditj Keila (Moorditj Keila) will work together on the following initiatives for the benefit of the City of South Perth Community;

1. Promotion of a greater understanding and respect for the Noongar culture and other Aboriginal people
2. Collaboration on Fiesta, other community events and Art projects
3. Facilitation of relationships between the City of South Perth, the Moorditj Keila and other community organisations
4. Exploration of opportunities for collaboration including but not limited to an Aboriginal Community Arts Centre, Aboriginal Church and hostel
5. Collaboration on support services including but not limited to Elders, women, men, youth, children, families

City of South Perth

The City of South Perth recognises that effective community outcomes can best be achieved by working in partnership with organisations towards common goals. The City is committed to identifying partnering opportunities and developing Community Partnership Agreements that are aimed at delivering benefits to the City of South Perth Community.

The goals of the Community Partnerships program are to:

1. provide opportunities to develop partnerships between the City and the community;
2. enable groups and individuals to maximise their development opportunities;
3. provide an equitable means by which community groups can access funding;
4. provide a process for distributing funds to meet defined outcomes; and
5. involve stakeholders in a shared approach to the development of projects and services in the City.

The City of South Perth's Mission is;

To enhance the quality of life and prosperity of our community

Within the City's Strategic Plan sit six goals, one of which is Community Enrichment. Strategy 2.2 under this goal states;

"Develop community partnerships that will be mutually beneficial with stakeholder groups including educational institutions, service clubs, the business community and other organisations"

The City's Community Partnership program is part of this strategy.

South Perth Aboriginal Community Group Moorditj Keila

The South Perth Aboriginal Community group Moorditj Keila (happy healthy dolphin) is the name given to the group by native title holder and elder Mrs Dorothy Winmar of Manning. The dolphin is significant to Aboriginal people for the Canning and Swan River areas adjacent to the City of South Perth. The group is committed to building healthy relationships and promoting safe and happy lives for our children, youth, women, men and the family unit.

Moorditj Keila's Mission Statement is to develop the capacity of the Aboriginal community in partnership with the broader community to empower individuals and families to build a community of trust, engagement and participation for the mutual benefit of all.

Moorditj Keila is the umbrella group for the Moorditj Yorgas (Women's) Danjoo Wangkanining group and Marmans (Men's) group, working collaboratively with Southcare's Aboriginal Family Support Services and relevant stakeholders in developing and supporting an holistic health and well-being service to Aboriginal people encompassing wider community benefits.

The Operative Part

1. Term of Partnership Agreement

This agreement commences on 1 July 2007 and will terminate on 30 June 2011 .

2. Funding & Support

2.1 The City will provide Moorditj Keila with \$5,500 (exclusive of GST) as a part of this partnership agreement for the 2007/08 financial year.

2.1.1 Funding for each of the remaining financial years of the term of the agreement is subject to the City's annual budgeting processes.

2.2.2 Details of funding for each of the subsequent years of the agreement shall be attached as an addendum to this agreement.

2.2.3 The funding is provided to assist Moorditj Keila to implement programs detailed in Clause 5.

2.2 Under this agreement the City will provide premises for Moorditj Keila to undertake programs and activities

2.2.1 Manning Hall - Fridays 6am - 2pm free of charge plus up to six additional free uses of Manning Hall per year subject to the City's booking procedures for activities of Moorditj Keila

2.2.2 Manning Hall - exclusive use of the large room for storage purposes.

2.2.3 Administration Space - subject to City procedures and availability of venues, to provide exclusive use of a venue as a base for the coordination of Moorditj Keila programs

2.3 Funding and support under this agreement is subject to the City receiving a Memorandum of Understanding (MOU) between Moorditj Keila and Southcare Inc. The MOU will demonstrate that Southcare Inc. has agreed to auspice the partnership on behalf of Moorditj Keila.

2.4 The funding and terms of the partnership will be reviewed upon termination of this agreement.

3. Auspicing

3.1 As an unincorporated group South Perth Aboriginal Community Group Moorditj Keila must enter into this agreement through an Auspice (sponsoring) Body which is an incorporated non-profit organisation.

3.2 The Auspice Body must include its name, Australian Business Number (ABN) and GST details in the agreement.

3.3 The partnership agreement must clearly identify who will actually be undertaking the project under the authority of the auspice body.

3.4 The City will treat a partnership agreement by auspice bodies as if they were made by the organisation carrying out the activity. However, responsibility for receiving and acquitting any funding remains with the Auspice Body pursuant to the MOU referred to in clause 2.3.

4. GST

The City will not provide funding until it receives written evidence of Southcare's Australian Business Number (ABN) and fully compliant Tax Invoices as per GST legislation.

5. Programs

5.1. Moorditj Keila agree to facilitate and deliver community support programs including the Elders group, the breakfast program, community camps, the women's group, a playgroup, the men's group, youth outreach services and health and lifestyle programs.

5.2. Moorditj Keila and the City of South Perth agrees to collaborate on the Aboriginal content of the annual South Perth Fiesta. Opportunities for collaboration will be identified and the details agreed upon during the preparation period of Fiesta.

5.3. The City of South Perth will support the Moorditj Keila to deliver NAIDOC week. The support will include facilitating collaboration between the group, other Aboriginal groups, and schools. Other opportunities for support will be identified and agreed upon during the preparation of NAIDOC week.

5.4. Moorditj Keila will host and coordinate an Elders Breakfast which will celebrate Aboriginal culture.

6 Promotion

The parties will promote the Community Partnership in any appropriate communication and public relation opportunities.

7. Indemnity and Insurance

7.1 In its capacity as the Auspice Body, Southcare indemnifies the City of South Perth for Southcare's legal liability to pay damages (including claimants' costs, fees and expenses) in accordance with the law of Australia in respect of:

- (i) property damage;
- (ii) personal injury;
- (iii) advertising liability;
- (iv) defamation;

as a result of an occurrence happening in connection with Southcare's business or Southcare's products and/or work performed by or on behalf of Southcare pursuant to this Agreement.

7.2 All programs of Moorditj Keila as outlined in clause 5, are considered to be conducted on behalf of Southcare as the Auspicing Body as outlined in clause 7.1.

7.3 (a) Southcare and the City of South Perth must effect and maintain for their respective rights and interests in this Agreement for the time being, adequate public liability insurance for the sum of not less than \$20,000,000 in respect of any one claim.

(b) This insurance must include insurance for damage arising out of risks associated with this Agreement.

(c) The public liability insurance policy effected and maintained by Southcare as the Auspicing Body must include insurance to cover the programs of Moorditj Keila as outlined in clause 5.

7.4 Southcare as the Auspicing Body must not do or omit to do or permit any act or thing to be done within its control, which might:

(i) render this insurance as outlined in clause 7.3 void or voidable;

(ii) jeopardise any payment for a claim under any insurance policy held by the City of South Perth or Southcare.

7.5 Southcare and the City of South Perth must report to the other promptly in writing and in an emergency, verbally:

(i) any damage to any person or property for which they might be aware pursuant to this Agreement; and

- (ii) any circumstances of which they are aware and which are likely to be a danger or cause any damage or danger to any person or property, pursuant to this Agreement.

8. Termination

- 8.1. The Parties agree that this Agreement will terminate if both Parties agree in writing to terminate this Agreement.
- 8.2. The Parties agree that this Agreement will terminate if Moorditj Keila ceases to operate.
- 8.3. The Parties agree that this Agreement will terminate if the City gives Moorditj Keila two weeks notice in writing after Moorditj Keila has breached a clause of the Agreement and continues to breach that clause of the Agreement after the City has given Moorditj Keila a notice in writing to remedy the breach within 30 days.
- 8.4. If this Agreement is terminated then the parties agree that Moorditj Keila will return to the City all of the Funding that Moorditj Keila has not applied or committed to its Programs.
- 8.5. The Parties agree that this Agreement will terminate on 30 June 2011.

9. Accounting

- 9.1. Moorditj Keila agrees to maintain proper books of accounts and financial statements.
- 9.2. Moorditj Keila agrees to allow the City to view its books of accounts and financial statements related to programs identified in Clause 8.1 upon request.
- 9.3. If requested by the City, Moorditj Keila agrees to engage an independent auditor to audit the Moorditj Keila books of accounts and financial statements in relation to the Funding.
- 9.4. Moorditj Keila, as auspiced by Southcare, agrees to allow the City to view the audit statements identified in Clause 9.3 upon request.
- 9.5. Moorditj Keila agrees to provide the City with an Acquittal Report detailing how the funds were acquitted by December 31 of each year of the agreement.

10. Notices

Each party shall give all notices in writing to the other party at the address each party nominates for this purpose.

11. Interpretation

11.1. In this Agreement:

11.1.1 words expressed in the plural shall also include the singular and words expressed in the singular shall also include the plural; and

11.2 In this Agreement the following definitions shall apply:

11.2.1 "Agreement" means this Agreement for the purpose of Funding.

11.2.2 "Funding" means the amount detailed in clause 2.1 of this agreement that the City provides to Moorditj Keila.

11.2.3 "GST" has the same meaning as it has in section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999*; and

11.2.4 "Programs" means all community programs that Moorditj Keila provides in order to meet the objectives of this partnership agreement.

11.2.5 'Southcare' is the body that agrees to auspice the partnership on behalf of the Moorditj Keila

DRAFT

Execution and date

Executed as an agreement on 2007.

CLIFF FREWING CEO
CITY OF SOUTH PERTH

GRAHAM HOPE CEO
SOUTHCARE INCORPORATED

DRAFT



NOTES WORKSHOP

Collier Park Village Strategic Plan
Held in the Council Chamber, Sandgate Street, South Perth
Tuesday 14 August 2007 commencing at 5.40pm

Present

Mayor J Collins, JP (Chairman)

Councillors:

L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr R Burrows	Director Corporate and Community Services
Mr M Kent	Director Financial and Information Services
Mrs K Russell	Minute Secretary

Collier Park Village Residents' Committee

Mr R Millman	President
Ms J Davis	Treasurer

Consultant

Ms H Hardcastle	Learning Horizons
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Apologies

Cr J Best	Civic Ward
Cr D S Smith	Mill Point Ward (Declared an Interest - Resident Collier Park Village)

OPENING

The Mayor opened the Concept Forum at 5.40pm.

The Chief Executive Officer welcomed everyone, including the representatives from the Collier Park Village Residents' Committee and in particular their new President Ron Millman. He then provided a brief background on the purpose of the Workshop which was as a result of the following May 2007 Council resolution:

That a Strategic Plan be prepared for the Collier Park Village to provide the City with a means to identify present and future opportunities. This plan will be developed in consultation with the Collier Park Residents Committee and include the following:

- (a) *that further to the appointment of consultants for the implementation of the operational initiatives outlined in the Southern Cross Care Report for the improved financial viability of the Collier Park Hostel, a report be submitted to the next available Council meeting on the extent and costing for building works that would be required to enable the facility to extend its service to that of a High Care Provider;*
- (b) *that as a matter of urgency, a Feasibility Study be undertaken to explore the future options for the Collier Park Village Community Centre, with a view of utilising the whole Centre for the operational use of the Independent Living Units and the Hostel and the creation of a possible Adult Day Therapy Centre;*
- (c) *future expansion opportunities for additional Independent Living Units and the upgrade of the existing units;*
- (d) *future amenities that reflect the changing life style of retirees; and*
- (e) *Ownership options.*

The Chief Executive Officer reported that in order to progress the Council resolution relating to the development of a Strategic Plan, Helen Hardcastle had been invited to facilitate the process. He then provided background on Helen's experience in the areas of corporate governance and aged care.

1. Collier Park Village Complex / Council Expectations and Options

The Consultant commenced by outlining the format of the Workshop, as follows:

- Understanding Council expectations and options
 - Hostel
 - Village
- Where to?
 - Community feed back?
 - Governance? Management?
 - Costings? / Risk:Benefit:Cost Analysis of options?
 - Architect? Builder? Aged care knowledge?

2. Hostel Strategy

The Consultant asked Members to describe the 'Hostel of the Future' that Council would like to create ie:

- Do the current facilities need an 'upgrade' to increase the level of care?
- Should the current facilities be demolished? Or should the refurbishment use existing structure?
- Should a new hostel have more than 20 beds? What is the capacity?
- Where will the current residents go whilst this occurs to fulfil the duty of care to the residents?
- Is there an aligned workforce plan to manage refurbishment and/or growth?

Member Input - Hostel of the Future

Comments were provided following discussion on the questions listed above:

- scope for existing residents to move into Hostel - to be able to 'transfer' from Village
- create a specific dementia area / possible need to expand size of the facility
- Hostel residents to have access to some type of Day Centre with activities/occupational therapy - opportunity for Village/Hostel residents to communicate / overlap - support for partners that may have dementia
- build new facility in open space behind existing hostel

The Consultant sought confirmation that everyone was comfortable with the recommendation to move to a higher level of care vs the current arrangement. She advised that the Commonwealth funding has changed significantly and people are being encouraged to stay in independent living units vs moving into hostel arrangements. Governments are not prepared to provide high level beds when there is 'Ageing in Place' which seems far more acceptable to people.

It was the feeling of the meeting that as Council has committed to keeping ownership of the hostel and because the existing 40 bed facility is not viable, as established by recent research (Southern Cross report) that Council now has an obligation to consider provision of a high care facility.

Discussion was held on the options of increasing the size of the hostel facility by either using the existing building as a starting point and building on against demolishing completely and rebuilding.

Mayor Collins reiterated that the Council resolution is to keep the Hostel as is but to make it profitable. To night we are looking at a complete conceptual plan - if we were going to increase the hostel, what it would cost etc would have to then go out to ratepayers with a plan.

Way Forward

The Consultant sought agreement from Members on how the administration should now go forward - whether to do a Feasibility Study on a rebuild or to look at options to improve current practices. She stated that the operational efficiency had been explored, therefore the built question needed to be addressed. If Council want to go ahead and get costs on a 'built solution' an architect will need to be employed.

Following discussion it was agreed that an Architect and Quantity Surveyor be appointed to do a feasibility study / costing on a complete built solution for increasing the level of care at the Collier Park Hostel.

3. Village Strategy

The Consultant asked Members to describe the 'Village of the Future' that Council would like to create ie:

- Currently there are 169 Independent Living Units. How many ILU's will exist in the future? At what rate of growth?
- On what criteria should growth be based?
- Where should new ILU's be built? Which land should be developed?
- Will there be apartments? 3-4 storeys?
- Will there be rentals?
- How should existing ILU's be refurbished?
- What type of recreational amenities should be provided?
- What types of new services should be provided or accessed, eg. cleaning, etc.?
- What level of services should be provided, eg. maintenance, social activities?
- How will Council provide and/or facilitate care in home (ageing in place) in an equitable way for Village residents and all community?
- Will Council access community packages and/or develop partnerships with Health Services to ensure duty of care by the Council is met?

Member Input - Village of the Future

Comments were provided following discussion on the questions listed above:

- old units need to be improved/refurbished
- only way is to build new units to manage upgrading existing units
- natural progress for ratepayers of South Perth to be able to move in
- concerns new units will increase fees
- would need community feedback if proposing new units in McNabb Loop/state benefits
- need to accommodate different client expectations
- could look at more value for maintenance fee ie higher fee for greater services
- option of second storey apartments - suggest 4 storey to be viable
- Baptist Care building 'top of range' units with philosophical approach /money from sale of units goes back into hostel services

The Consultant stated this could be an option but that in order to do this Council would need to be registered as a charitable organisation.

- important we protect Village finances / funds

The Director Financial and Information Services provided an outline of the current financial model currently used by the City at the Village which is described as 'unique' and indirectly subsidises maintenance costs. He stated it was important to understand that when building new units or moving residents to note that the unit values across the Village have changed over time with the units at the front of the complex still at modest prices.

- ageing in place accommodation needs to be supported by services
- support local services (Southcare etc / buses available)
- duty of care for residents

Way Forward

The Consultant sought direction from Members on how the administration should now go forward. She stated that it was important that units reflect current market standards but that she was not hearing a clear alignment as to whether to go back to Council with a proposal to upgrade the existing units or to build new units across the road at McNabb Loop or that further dialogue take place.

Following discussion it was agreed that in relation to the Independent Living Units at the Collier Park Village that an Architect and Quantity Surveyor be appointed to explore the feasibility/costing of upgrading the existing units / building new units in a particular area.

Ms June Davis, Treasurer, Collier Park Village Residents' Committee thanked the Mayor, Cr Cala and CEO for the opportunity to participate in the evening's workshop.

The Director Corporate and Community Services thanked the Consultant Helen Hardcastle for facilitating the session.

Conclusion

The Consultant advised that she would compile a report from the input participants provided during the course of the evening. The Administration would then provide a report on its contents to the earliest available Council meeting.

3. Closure

The Mayor closed the Concept Forum at 7.25pm.

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9 November 2007

Mr Andrew Roberts
Partner
McLeods
220-222 Stirling Highway
CLAREMONT WA 6010
By Email: aroberts@mcleods.com.au

cc:

Client

Mr A Watt
Executive Officer
State Administrative Tribunal
Level 4, 12 St Georges Terrace
PERTH WA 6000
By Facsimile: 9325 5089

Dear Andrew

Midpoint Holdings Pty Ltd v City of South Perth - State Administrative Tribunal DR 138 of 2007 - proposed conditions of approval

- 1 I refer to the mediation held in SAT on 30 October 2007.
- 2 As indicated to you when we spoke earlier this week, I have discussed the outcomes of the mediation with my client and confirm that it has agreed to accept the offer of compromise put forward by the City of South Perth at the mediation. My understanding of the compromise is set out below.
- 3 As agreed at the mediation, I enclose a plan of the proposed development, showing the various stages, together with a letter from the Project Manager, Mr Stewart Johnson, dated 9 November 2007, providing commentary on the rationale for the stages and the timing of implementation.

Summary of outcomes of mediation

- 4 Condition 7, building licence and issue of amalgamation.
 - 4.1 The officers of the City confirmed that they would not withhold a building licence, for stages of the development where the construction does not straddle more than one lot boundary, pending issuance of the amalgamated title. It was accepted by the City that an approval had been

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

granted for the amalgamation, without the need to demolish the tavern and the officers were comfortable granting building licences, before the amalgamation approval is perfected, providing the form of construction did not mean buildings would straddle more than one lot.

- 5 **Conditions 9(i), 9(vi) and 10: landscaping**
- 5.1 The City confirmed that the landscape concept plan has been accepted and agreed.
- 5.2 A more detailed plan, indicating plant species etc, is to be supplied by my client to the City, prior to the issuance of a building licence and the condition has been amended, by agreement to reflect this.
- 5.3 I indicated that my client would agree to maintaining the verges and small amount of POS abutting our site, if it is able to obtain insurance for public liability in respect of those areas. It was also made clear that the City of South Perth, as the authority responsible for custody, care and control of the reserves and verge areas, remain primarily responsible for any legal issues arising out of the management of that land.
- 6 Further, the point was made that from a legal perspective, the City could not insist on my client managing land owned by the government; however it is accepted that at a practical level, my client will agree to maintain this land, providing there are no adverse legal consequences for it associated with doing this and on the basis that all other matters are agreed.
- 7 Finally, with respect to maintaining the verges and small POS areas, I confirm my client is interested in purchasing this land from the government. Please indicate whether the city is prepared to discuss this possibility.
- 8 **Condition 17: contribution to Walanna underpass upgrade**
- 8.1 I asserted that there was no legitimate nexus between this condition and the proposed shopping centre redevelopment.
- 8.2 In addition I pointed out that my client had previously agreed to a figure of \$30,000 and the City was asked to justify the increase.
- 8.3 The City's officers put forward a justification based on escalation of costs, together with the fact that the work may not be carried out for 1 or 2 years, which would result in further cost increases.
- 8.4 Further, the point was made that if all other matters were the subject of agreement, particularly in relation to time extension associated with implementation of the stages and agreement to appoint a consultant to assess building plans, then my clients may be disposed to accept the higher figure of \$60,000, to finally resolve the issues in dispute.
- 8.5 Having spoken with my client, assuming the other matters discussed in this letter are satisfactory resolved, my instructions are to accept a

payment to the City of \$60,000 for the upgrade to the Walanna Street underpass.

9 Condition 21 substantial commencement

- 9.1 Mr Johnson explained why it is not possible to substantially commence all stages of the development, within 24 months.
- 9.2 In particular Mr Johnson spoke to the proposed construction timetable for stages 2 and 3 and demonstrated that it was impossible to commence stage 4 within 2 years of approval.
- 9.3 On the basis that all other matters are now resolved between the parties the City's officers have agreed to put an item on the December meeting of Council, recommending that the period for substantial commencement of stage 4 (Woolworths and speciality retail shops) be extended from 2 years to 3 years.

10 Appointment of independent consultant

- 10.1 The City has agreed to engage Mr Ray Scarce, at the City's cost, to assess the building licence applications, once lodged.
- 10.2 I understand that Mr Scarce is an experienced building surveyor, who is appointed from time to time by the City on a contract basis.
- 10.3 The City has indicated that Mr Scarce would be able to assess the building licence plans, within a period of 2-3 weeks of them being lodged with the City.

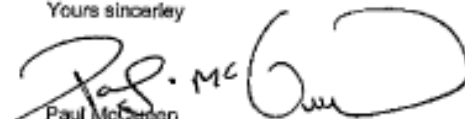
11 Please confirm in writing that my understanding of the matters set out above is correct.

As you are aware, the matter has been set down for further mediation, if required, on 20 December 2007 at 10.30am, following the Council meeting scheduled for 18 December 2007.

If you have any further questions in relation to this matter, please do not hesitate to telephone me.

I look forward to receiving your response to this letter at your earliest convenience.

Yours sincerely


Paul McCosken
Partner



Johnson Group WA

Johnson Group WA Pty Ltd
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PO Box 1011, Claremont, 6910
Western Australia
Telephone 08 9385 5911
Facsimile 08 9284 4918
E-mail johnson@global.net.au

9 November 2007

City of South Perth
Stephen Cope,
Director Strategic & Regulatory Services
Civic Centre
Cnr Sandgate St & South Terrace
South Perth, WA 6151

**Re: Waterford Plaza Shopping Centre Redevelopment; -
Indicative Development Programme.**

Dear Stephen

Further to discussions held at the State Administrative Tribunal on the 30 October 2007, in particular Condition 21 of the Development Approval, being "Substantial Commencement"; I attach for your information and provision of supportive documentation the programme for the development of Waterford Plaza Shopping Centre, with a commencement date of the 16 October 2007, being the date of Development Approval.

In developing the Staged Master Programme, we have had to consider a number of matters to maintain the customer base, support our existing and incoming retailers, and comply with existing leasing constraints and Development's financial issues.

I have outlined below these matters of consideration, and provided an explanation of their impact on the overall development.

Customer Benefits

The Developer wishes to maintain as close to the current level of customer patronage, and to provide all reasonable assistance to the existing retailers to maintaining their current turnover during the development works. In order to achieve this it is imperative that we maintain as many carparking bays as possible, that have ease of access and are in close proximity to the retail areas, during the various stages of the redevelopment.

In order to achieve and maintain this, it is necessary to stage the works as per the attached Master Programme, and to provide the maximum number of car bays for customers and retailers.

Our experience shows that it is extremely difficult to retrieve lost customer patronage for a period of up to 3 years after the developments completion.

Proprietor, Johnson Group WA Pty.
ABN 77 296 271 916
as Trustee for Johnson Family Trust

Lease Issues

Within the Coles Lease there is the requirement for 250 carbays to be maintained at all times during the redevelopment of the site. These are required to be located to the north, west, and southern areas of the site.

In order to achieve and maintain this, it is necessary to stage the works as per the attached Master Programme, to provide as close as possible to this number of carbays for the retailer and customers.

Financial

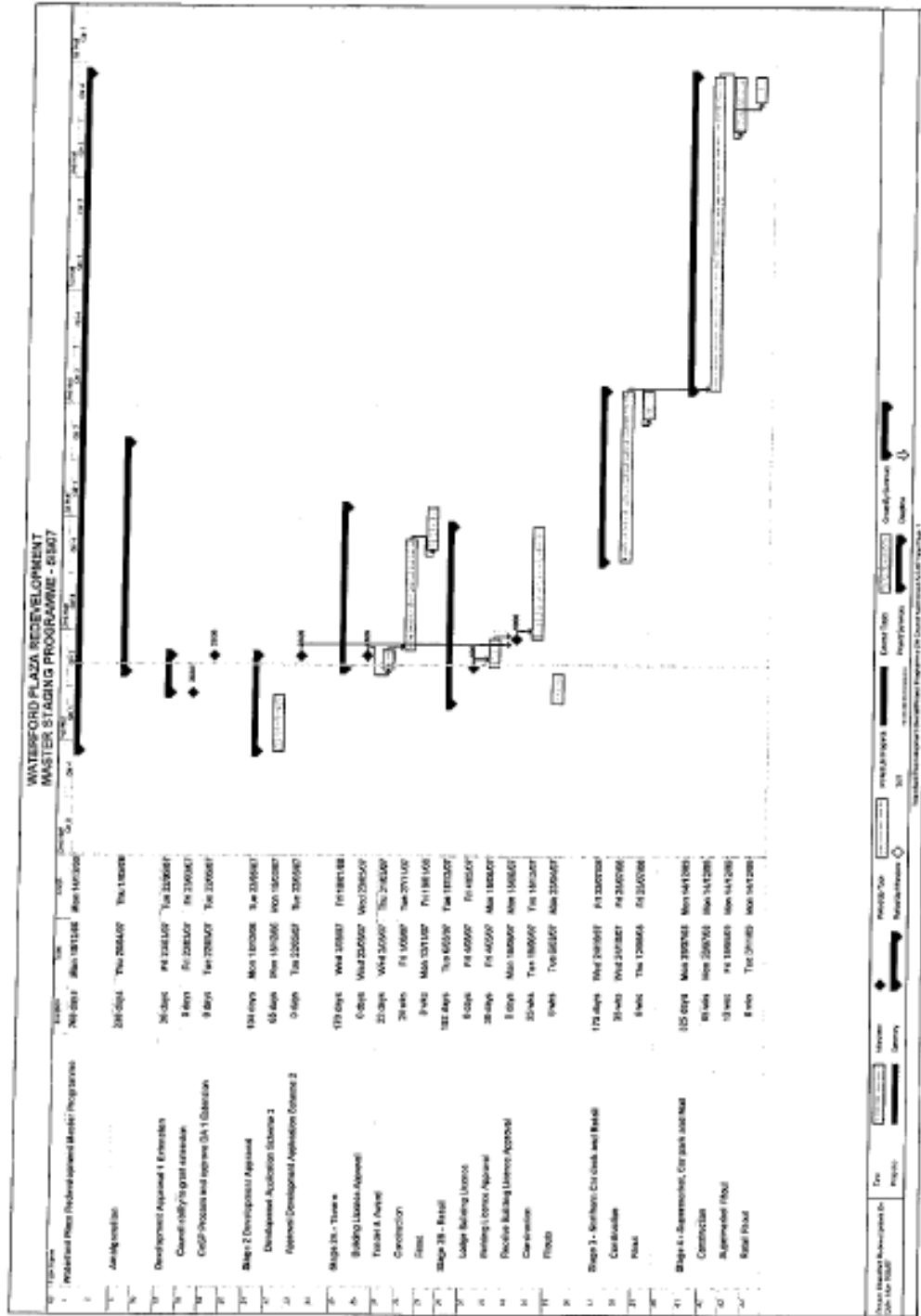
Due to the size, both physical and cost of the development, and the possible impact this will have on customer patronage and retailers trading, the works have been staged to maintain a reasonable customer base, hopefully reflected in maintaining a reasonable cash flow, whilst the Developers are expending a considerable amount of capital in constructing and redeveloping this District Shopping Centre.

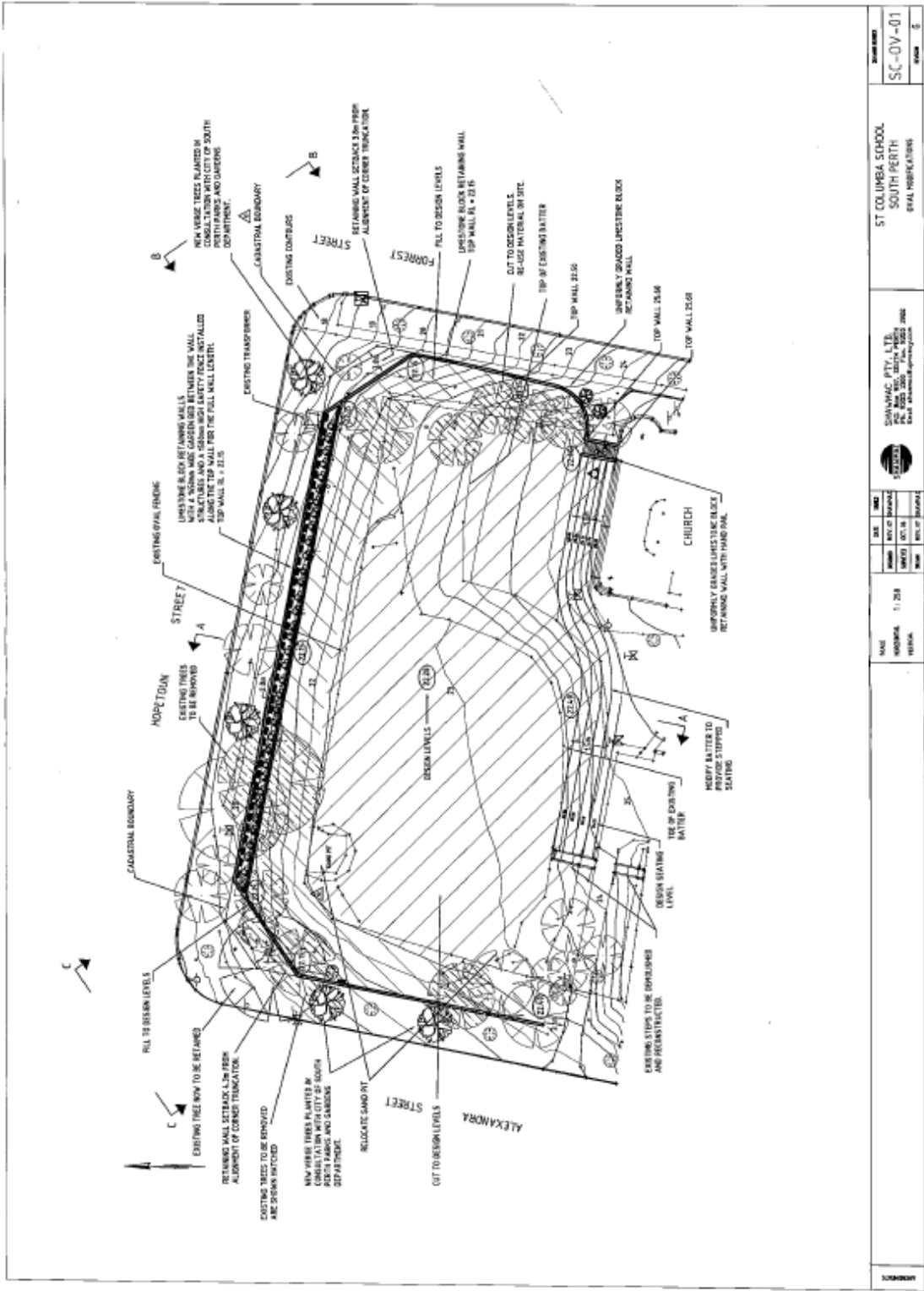
In order to maintain a reasonable cash flow the project, it has been staged as per the attached Master Programme.

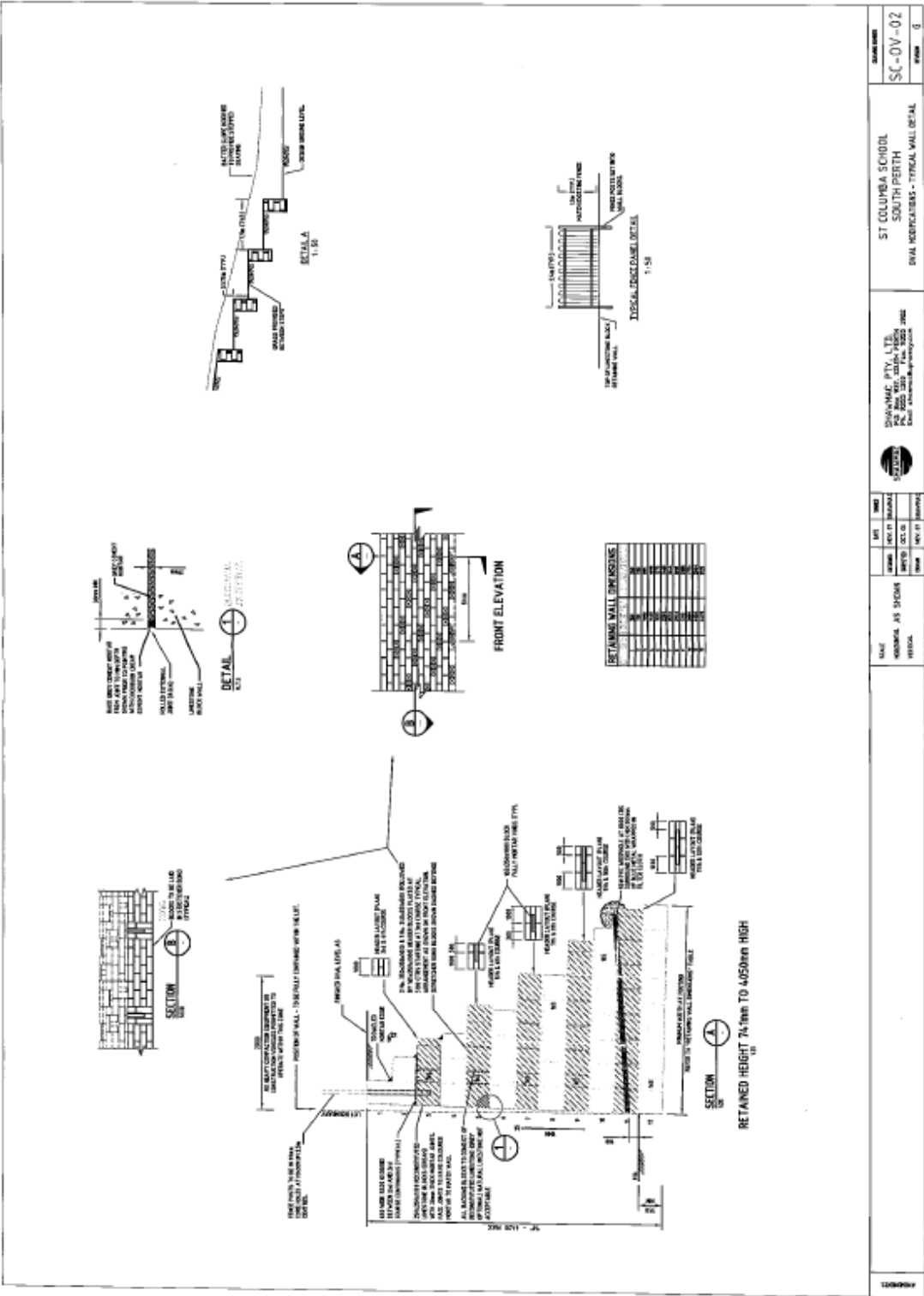
We thank you for your agreement to consider this matter, and respectfully request favourable consideration for an extension of Condition 21 of the Development Approval, being "Substantial Commencement" for Stage 4 from 2 to 3 years.

Yours sincerely

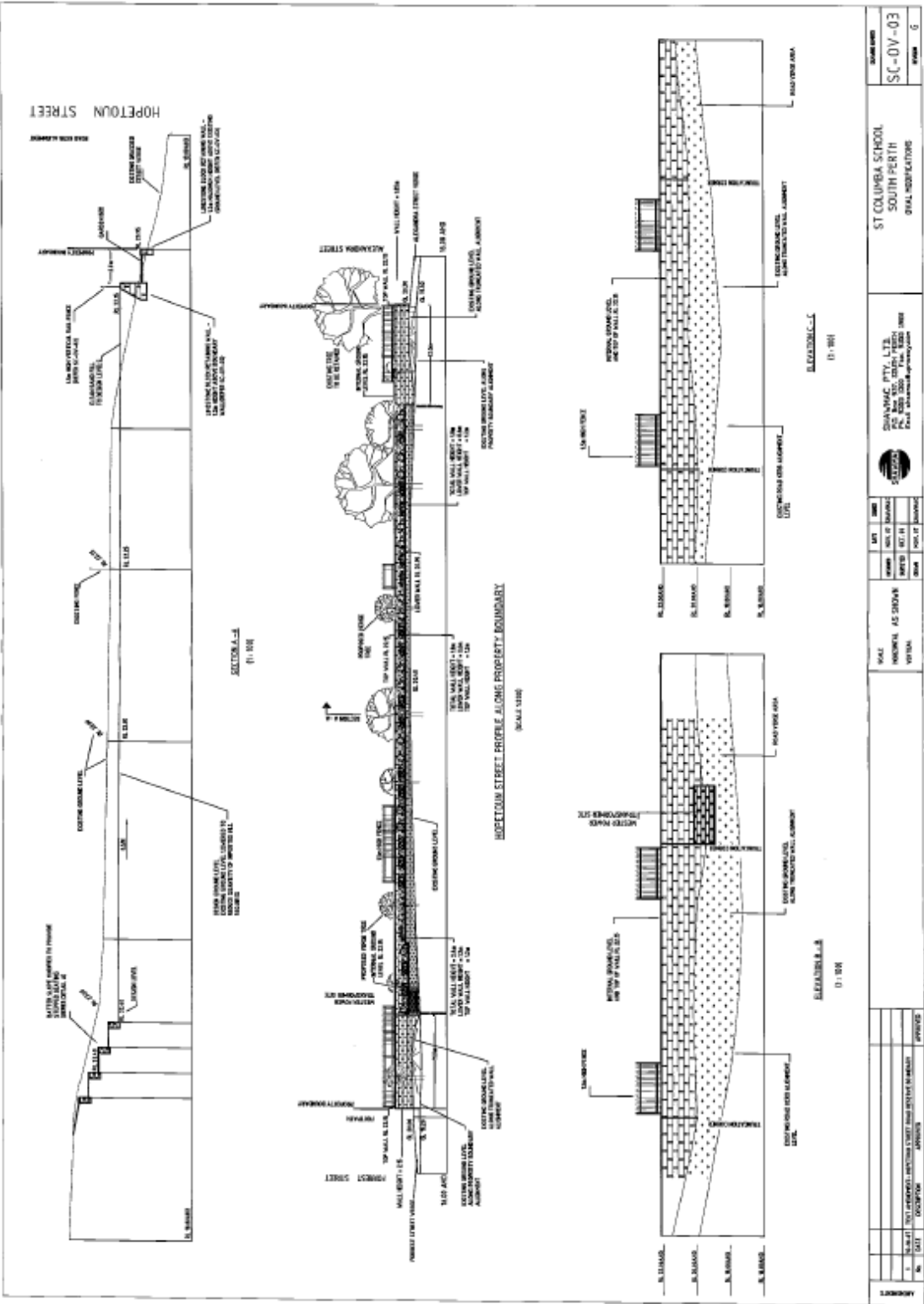
Stewart Johnson
Managing Director
Johnson Group WA,
Project and Development Managers
Cc: - Lynden Semmens, Greg Rowe and Associates
Cc: Lavan Legal, Paul Mc Queen
Attachment; Programme dated 5/11/07, & Development Staging Plan, Waterford Plaza



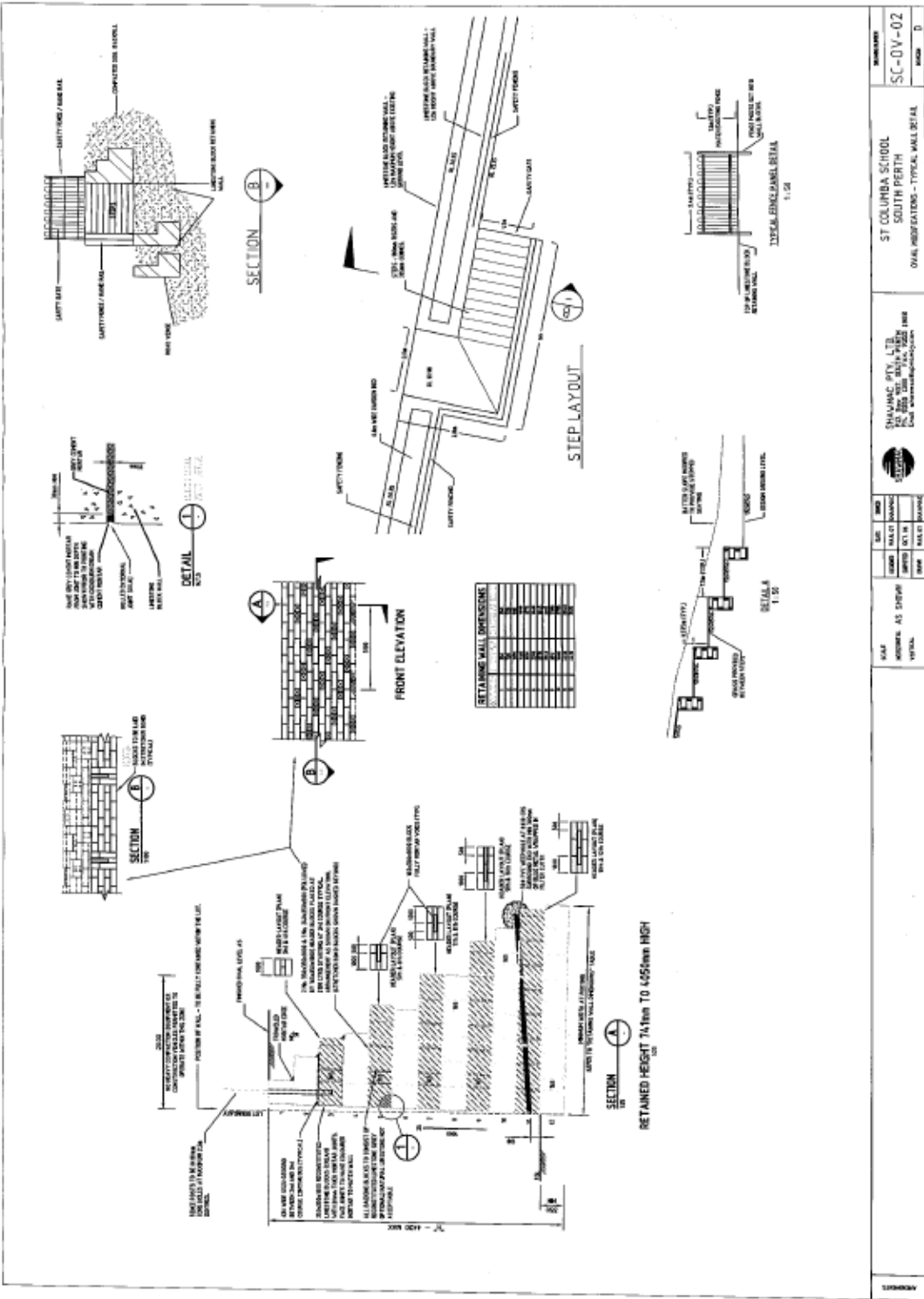




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ST. COLUMBA'S CATHOLIC PRIMARY SCHOOL

30 York Street, South Perth WA 6151.
Telephone: 9367 3666 Fax: 9367 3110

Email : admin@stcolumbassp.wa.edu.au
Website: www.stcolumbassp.wa.edu.au

Chief Executive Officer
City of South Perth
Corner Sandgate St and South Tce
SOUTH PERTH 6151

Dear Sir

REQUEST FOR RECONSIDERATION
Proposed Development – St Columba's Primary School

CITY OF SOUTH PERTH	
14 NOV 2007	
Doc ID No:
File No:	401/30
Original To:	DA
.....	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/> File <input type="checkbox"/>

Thank you for your letter in which you convey Council's decision on the Board's application dated 22 March 2007 to develop an oval/playing field.

The Board is pleased that Council has approved the development but wishes Council to re-consider the Special Conditions as discussed below. In doing this the Board asks that Council has regard for the attached (modified) plans that seek to further allay the concerns of neighbours regarding the height of the walls, particularly at the street corners.

1. Wall Height and Finished Level

The modified plans are the result of discussions with Council officers to consider Council's decision and to determine ways in which the development might be modified in such a way that satisfies the School's objective, and which goes further towards addressing the concerns of neighbours.

The cross section of the site (previously submitted to council) is derived from an engineering survey and Council supplied information. It shows the original Level of the site and the current level at an RL generally of 22.9m. The plan also shows that the Board's original proposal was to maintain the existing RL of 22.9m over the bulk of the site and to backfill the retaining walls to RL 22.15m.

Following public consultation the Board further reduced the level to RL 22.28 and maintained the wall height at RL 22.15. Council's decision requires the Board to reduce the level even further to RL 21.5m.

The Board believes that any further reduction is unnecessary and contrary to the generally accepted practice of least disturbance to landform, and balance of cut and fill. This is particularly so when Council's aim in requiring the reduction is to reduce the impact of the retaining wall, and this can reasonably be achieved by other means.

The Board is also of the view that the oval level can be maintained as proposed in the latest modified plans and still achieve Council's aim of reducing the impact of the wall.

The corners of the site have been modified by placing a single wall at a new truncation line set back 4.3m at Alexandra Street, and 3.8m at Forrest Street. The intention is that the land in front of these walls will be retained at its current slope and landscaped. The result will be a more natural appearance at the corners, a lowering of wall heights and a softening of the corner treatment. The land affected by the new truncation lines will remain within the school-site boundary and its maintenance will remain the responsibility of the School.

This treatment will also allow the large tree at the corner of Alexandra Street to be saved. This will mean that two out of the three large trees in that area will be retained.

In addition to the changes to the corner treatment the garden bed on Hopetoun Street has been increased to 1.65m wide. Although this and the land lost at the corners will reduce the amount of usable space, the School feels that the opportunity to improve the appearance of the development and to save trees is a reasonable compromise. This latter concession is conditional upon the School being able to construct the oval at the height shown on the modified plans, and as proposed in the plans considered by Council.

Because of the increased truncation areas the garden beds and lower retaining walls at the street corners have been deleted.

Bearing in mind that the greatest concern expressed by neighbours and Council staff is the height of the wall, particularly at the corners, the Board seeks approval for the height of the oval to be left intact as shown on the modified plans, and that the highest point of any wall be kept at RL 22.15m.

Corner of Alexandra Street

The finished wall height will be at RL 22.15 and will stand on existing ground level. Facing the new truncation line at this corner the wall will 2.15m high on the left side and 1.8m on the right side. By back-filling in front of this wall over the last (say) metre the visible height of the wall can be reduced by between 300mm to 450mm. At the latter figure the apparent wall height at the corner would vary from 1.7m to 1.35m. The apparent bulk of the wall reduces rapidly the further one travels from the corner on each street. 12 metres from the new truncation line on Alexandra Street the wall is 1.0m tall. 12 metres from the new truncation line on Hopetoun Street the wall is 1.8m tall. If backfilling was employed as indicated above the appearance of the wall could be reduced to 1.35m at this point.

Corner of Forrest Street

The finished height of the wall will be RL 22.15. Facing the new truncation line at this corner the wall will 2.15m high on the left side and 2.2m on the right side. Using the backfilling referred to above these dimensions can be reduced to 1.7m and 1.75m. Because of the steep grade of the adjacent streets the wall height 12m from the new truncation line on Forrest Street reduces to 0.5m.

Hopetoun Street

On Hopetoun Street the wall becomes two walls of approximately equal height, each of about 850mm at the centre point on that street. If a similar backfilling in front of the front wall were to be agreed the visible walls would each reduce to about 650mm each. The lower wall on this street will (where practicable, and having regard for block sizes) be stepped down towards the corners so that the two walls remain generally of the same height. On the Forrest Street corner the walls would each be about 850mm high. On the Alexandra Street corner the walls would each be about 650mm high.

2. Impact of Additional Earthworks on Church Structure

The Board is extremely concerned that the additional earthworks and greater excavation close to the Church building required by Council's requirement for an RL of 21.5 metres could, through vibration and excessive disturbance to natural landform close to the building, affect the building's structural integrity. Protection of this heritage listed building was paramount in the engineering solution originally proposed by the Board, and in the compromise considered by Council. The Board believes this consideration is still paramount and asks Council to have the highest regard for the need to protect the Church building, by minimizing the extent of earthworks and attendant vibrations; particularly as the need to reduce the height of the oval is not necessary to achieve a lower wall height, and to reduce the impact of the wall on the streetscape.

The Board asks that Council agree to the wall treatment outline above and to delete the requirement for the oval to be lowered to RL 21.5.

3. Stepping of Wall

The Board understands the intent behind the condition and intends to achieve the result described above. The condition relating to stepping of the wall could be simplified.

The Board asks that the condition be modified to read "On the Hopetoun Street frontage the lower wall shall be stepped (where practicable) to achieve separate walls of approximately equal height".

3. Design of Staircase

As indicated at the meeting with officers on 19 October 2007 the stairs were proposed as a means of breaking up the continuity of the wall on Hopetoun Street. These stairs are on School property, will not be open to the public, would be for the sole use of a supervising teacher, and used for rescuing any errant ball that might leave the site. The stairs will never be used by anyone else. The Board can see no justification for the modification required to the staircase.

Given the modification to the street corners now proposed, and the lowered wall heights that reduce the impact of the walls and soften the corner treatment, and the little use the stairs will have, the School does not wish to continue with this part of the proposal.

The Board asks Council to delete the condition relating thereto.

4. Anti-Graffiti Treatment

Treating the wall to prevent graffiti would require that the limestone wall be rendered and/or sealed, which will create a shiny, unattractive finish. This would be contrary to the Board's objective of establishing a wall with a colour and appearance that will, until landscaping is established, have least impact on (and complement) the streetscape.

Limestone does not attract as much tagging as other surfaces because of its natural rough and hole-ridden surface, hence the likelihood of graffiti, and need for a special treatment, is greatly reduced. The Board feels that vandalism can be prevented by planting shrubs of a type selected for their ability to prevent access to the wall.

The Board asks Council to delete the requirement for anti-graffiti treatment of the wall.

5. **Landscaping**

The Board intends to create a landscape solution that enhances the site and streetscape by the appropriate placement of mature trees and shrubs. A species list is being selected for this purpose.

This indicative list, which is subject to availability, is being completed based on a number of design principles. These primarily focus on environmental factors and ecological, biodiversity and sustainability issues have been well considered and, where possible, native or indeed indigenous species have been selected. These will not only encourage local fauna (and in particular birds) to the landscape but will also create a sense of place for the school in this prominent area so close to the Swan River. The availability of species and their appropriate planting method is therefore of extreme importance in creating the desired environment. It is hoped the need for contract growing will not be required. However, this may be an issue which the Board will have to accommodate, and this may impact on the maturity of the specimens.

As planting is being chosen which requires minimum water consumption, the appropriateness of the planting season is a significant factor in the completion of the landscaping plan. The timing of the completion of the site works may necessitate a lag time in completion of the planting due to the season and the availability of some plants. For this reason, it is unreasonable and inappropriate to request condition 6 ii) as this condition will otherwise require inappropriate species choice which require ongoing irrigation and maintenance which are unsustainable, just so that the School can have early use of the oval.

Whilst the Board will choose as many mature trees needed to achieve these aims, the Board feels that to nominate tree sizes could be counter-productive when the most appropriate trees may be smaller, quicker-growing trees, more suited to the planned planting time, and more suited to the area. Liaison between the Board's landscape architect and Council staff can reasonably achieve this end.

The Board also feels very strongly that there is no justification for placing a value on trees that the Board could otherwise remove and not have to replace; particularly when many of them have been planted on the site by parties other than the school. The Board feels confident that Council will see that there is no viable argument to justify a dollar value being imposed on landscaping in this instance.

Moreover, the proposed modified plans will reduce the need to remove at least one large, mature tree and this, together with any innovative landscape solutions arrived at between the Board's landscape architect and Council staff, would obviously alter the dollar figure placed on the landscaping condition.

Given that the Board intends to provide a professionally designed landscape solution that addresses all of Council's aims, the central concern should be to achieve the best outcome for the site and neighbouring streets, without placing false and possibly misleading standards on the required outcome. For this reason the Board believes that tree sizes and dollar value of landscaping are unnecessary and unjustified. After all, the landscape plan will be a cooperative effort between the landscape architect and Council officers, and produced with our common goals in mind.

The Board is reliably advised that it is possible to produce a landscape plan that will meet all of Council's requirements in this regard.

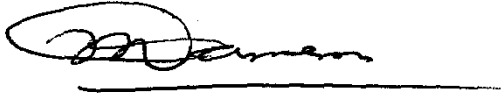
The Board asks Council to simplify its landscaping condition to require:

"A landscape plan being submitted for Council approval".

If needed *Footnotes* could emphasise what Council expects to be achieved.

The Board asks Council to reconsider its decision in light of the above, and wishes to express its hope that this matter can be resolved in a spirit of cooperation without the costly need to take the matter to the State Administrative Tribunal for resolution.

Yours faithfully

A handwritten signature in black ink, appearing to read "M. Cameron", is written over a horizontal line.

Michael Cameron
Chairman



ANNUAL ELECTORS MEETING

Minutes of the Annual Electors Meeting to Receive the City's Annual Report, Financial Statements and Auditors Report for the Year Ended June 2007 held in the Council Chamber on Monday 19 November 2007 commencing at 7.00pm

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Mayor declared the meeting open at 7.00pm, welcomed everyone in attendance, in particular Cr Peter Best to the 'table' for his first meeting, as he was absent overseas for the Swearing-In Special Council Meeting. He then ran through the 'order of business' stating that the meeting would be run in accordance with Standing Orders and that the public present would have the opportunity to ask questions relating to the business of Council or to propose Motions under 'Other Business' on the Agenda.

2. **RECORD OF ATTENDANCE / APOLOGIES**

Present:

Mayor J Best

Councillors:

I Hasleby	Civic Ward
P Best	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Planning and Community Services
Mr G Flood	Director Infrastructure Services
Mr M J Kent	Director Financial and Information Services
Ms D Gray	Manager Financial Services
Mrs K Russell	Minute Secretary

Gallery

There were 14 members of the public present

Apologies

Cr G W Gleeson	Civic Ward
Cr D Smith	Mill Point Ward

3. **PRESENTATION OF THE ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2007**

The Mayor requested the CEO present an overview of the Annual Report for the year ended June 2007.

The Chief Executive Officer reported that there were two documents produced, the Community Annual Report which is an abridged version and the Annual Report which contains a full set of financial statements. He said that the Community Annual Report has been circulated to residents within the last couple of weeks and that there were copies of both reports available in the foyer and on the City's web page. As both of the reports are fairly detailed he stated that it was not his intention to go through the Annual Report as the main focus of the meeting is to 'receive' the Financial Statements and Audit Report. The Chief Executive Officer then asked the Director Financial and Information Services to present a brief overview of the Annual Financial Statements and the City's financial position together with an interpretation of what these figures mean.

Annual Financial Statements/Audit Report 2006/07 Presentation

The Director Financial and Information Services gave a presentation on the following topics:

- 2006/2007 Financial Highlights
 - Key Financial Indicators
 - Overall financial position improved by 6.4% - Net Assets \$181.5M
 - Total Revenue was 1.2% **above** budget at \$32.1M
 - Rates Revenue was \$18.4M (budget \$18.3M)
 - Non Rates Revenue of \$13.7M from other sources (fees, grants, interest, asset trade-in proceeds etc)
 - Operating Expenses were 1.0% under budget at \$29.8M
 - \$8.1M worth of Capital Expenditure was completed
 - Cash reserves are in place to support future financial sustainability
 - Best ever year in terms of rates collections (outstanding debts)
 - Net cash from operations was \$7.6M against \$6.8M in prior year. (contribution towards Capital Works)
- Financial Ratios and Trends 2006/2007
- Financial Sustainability
 - Major Achievements**
 - Assessed as 'Sustainable Council' by Access Economics
 - Fully funded 5 year financial strategy for City initiatives
 - Best Practice Risk Management Strategy
 - Timely and accountable financial management reporting
 - Very effective debt collection/treasury management practices
 - High quality, well documented financial systems and procedures
 - Ongoing funding of City Cash Reserves for future projects
 - \$370K dividend to City from Collier Park Golf Course
 - Improvement in financial position of Collier Park Village complex
 - Well placed to keep delivering on Council's 'Vision for the Community'

The Mayor thanked the Director Financial and Information Services for his presentation on the City's financial position.

MOTION

Moved Sheila Perrot (Collier Park Village), Sec June Davis (Collier Park Village)

That the Annual Report and Financial Statements for the year ended 30 June 2007 be received.

COMMENTS FOR / AGAINST MOTION - QUESTIONS / POINTS OF CLARIFICATION : ITEM 3

Mr Geoff Defrenne, 24 Kennard Street, Kensington

Recommend residents do not accept the Annual Report as I doubt many have seen the full report. The report circulated does not contain a full set of financial accounts or the audit report. If the current Motion is lost I foreshadow moving an alternative Motion that the Annual Report and Financial Statements not be received because they have not been circulated to residents and that a 'true' copy of the Annual Report be circulated.

Director Financial and Information Services - stated that the City has for a number of years opted to publish and distribute a 'narrative' Community Annual Report to residents and to make the complete document available to those who require it online. This is consistent with the practice used by most corporate entities and is both financially and environmentally responsible. He further stated that the day after the Financial Statements and Audit Report for the 2006/2007 financial year were presented to the Audit and Governance Committee meeting held on 3 October 2007, that a full copy of the Annual Report was available on the City's web site. The document was also presented to the October Ordinary Council meeting for adoption.

The Mayor put the Motion.

CARRIED

4. PRESENTATION OF THE AUDITOR'S REPORT FOR THE YEAR ENDED 30 JUNE 2007

The Chief Executive Officer stated that the Auditor's Report was considered at the last Council meeting and approved. He said that it is reproduced in full in the Annual Report and has been made available on the City's website as part of the annual reporting process. As previously advised there are copies available in the foyer and in the City's Libraries and the Auditor's Report is presented tonight to be 'received'.

MOTION

Moved Brian Handcock, 2 Crowley Vista, Salter Point, Sec John Stewart, 7 Keaney Place, Waterford

That the Auditor's Report for the year ended 30 June 2007 be received.

COMMENTS FOR / AGAINST MOTION - QUESTIONS / POINTS OF CLARIFICATION : ITEM 4

Jan Semple, 80 Monash Avenue, Como - everyone is thinking 'computers' - there are no hard-copies of the Annual Report available in the libraries.

Mayor Best stated this matter would be followed-up in ensuring open and accountable governance is maintained.

Chief Executive Officer stated that the documents presented tonight are treated the same way as any Council Agenda ie they are not provided in hard-copy form in advance of the meeting to all residents of the City. The Agenda 'table of contents' page is placed on the City Administration / Library noticeboards with the full Agenda (ie reports) available on the internet or by coming into the administration office for copies. Hard-copies are made available on the night of the Council meeting very much the same way as the documents which have been provided tonight.

Mr Geoff Defrenne, 24 Kennard Street, Kensington

Disagree - hard copies not available as for the Council Agenda.

The Mayor put the Motion.

CARRIED

5. OTHER BUSINESS

The Mayor advised the gallery that he would accept questions / statements at this point in the meeting.

Barrie Drake, 2 Scenic Crescent, South Perth - I have attended the last 4/5 Annual Electors Meetings and at every one the City's funds keep looking better all the time. Is there going to be a time when rates plateau, or are they going to continue going north? Do not consider rates should go up every year because it is a fashionable thing to do.

Chief Executive Officer said that one of the most important tasks Council performs each year is adopting its Budget for the financial year. This process will continue early in the new year when consideration is given to the level of service provision and future assets/infrastructure. Every effort is made to minimise the rates. He said that from his own experience the public want an improvement in services for a level of rates and do not mind paying levels that are consistent with CPI increases as they know everything else has increased. One of the major costs relates to staffing where generally the City need to pay the market rate to attract and attain staff. He said he believed that ratepayers reasonably expect to pay increased rates to CPI level and that if we do not increase for one year then the following year the increase is likely to be double.

Diane Cheong, 18 Murray Street, Como - the Graffiti Plan was passed in April with a view that the State-wide Graffiti Strategy was going to be drawn up in May and a draft made available. Would like to see a report on a draft Plan - are there any developments?

Mayor Best acknowledged the report was tabled in April and that there was an indication from the Government of a State Graffiti Plan, however not sure where that is currently at.

Chief Executive Officer stated he was also not sure where the State Graffiti Plan is at, however confirm that Council adopted in April 2007 a Graffiti Management Program for the City which brings together existing practices as well as additional initiatives based around the six key focus areas of Communication, Deterrents, Reporting, Removal, Networking and Early Intervention. In relation to those 6 strategies there were something like 18 actions and the City has made considerable progress towards implementing those actions. Regardless as to whether the State has progressed its plan, the City is achieving its own 'actions' in this regard as set by the City.

Diane Cheong, 18 Murray Street, Como - following the adoption of the City plan, initially the graffiti seemed to be disappearing rapidly when reported, however, of late it has become bad again. These days it seems to take several weeks before reported graffiti is removed. Graffiti, in a playground area reported last week (including messages of death) still has not been removed - would have thought areas where children go would receive urgent attention. We have also been told of late we need to provide more detail when reporting graffiti. Believe this needs to be looked at in relation to providing some guidelines.

Director Infrastructure Services - stated that the issue would be investigated. He acknowledged that currently Infrastructure Services are experiencing some resource issues which have impacted on this area.

Diane Cheong - as Council has a Graffiti Trailer, why not employ someone instead of putting out to an external contractor?

Director Infrastructure Services - responded that the smaller graffiti jobs are handled internally with the larger jobs being put out to external contractors which means we compete with others waiting to have jobs done.

Mayor Best confirmed that he would discuss the issue of graffiti management further with Ms Cheong.

Roger Atkinson, 5/2 Coode Street, Como - expressed his disappointment in Council in the managing of the Como Beach Project which is incomplete and stated that ratepayers do not seem to find out how Council is going to finish this project in relation to the beach front erosion/trees etc and what is being changed. Disappointed Council is not keeping people informed on this type of project.

Mayor Best - confirmed that he would take the points raised on board with possibly better use of the Southern Gazette newspaper and City's website to keep residents informed with more detailed information.

Director Infrastructure Services - acknowledged there had been many changes to this project which had been put out to tender three times, due to lack of interest from tenderers. Cost issues and storm damage issues had impacted on the original project with the scope of work having to be scaled back to reflect the higher than expected tenders received. He said that every endeavour had been made to communicate this through the press to the residents and stated that the comments raised in this regard would be taken on board.

Jan Semple - in the first instance I extend thanks to the Council in relation to the school issue. Secondly, in relation to Neighbourhood Watch suggest that at the City of South Perth Fiesta we have an advertising board to try and rejuvenate the Neighbourhood Watch program.

Mayor Best - stated that the City was certainly keen to rejuvenate the Neighbourhood Watch program and have been liaising with the local police to ensure we get the resources back in a partnership approach.

Janet McMullen, 15 Salter Point Parade, Salter Point - received assurances that Parks and Gardens have acted together in relation to Salter Point Parade and the issue of wild oats and also the problem with winter weed in Sandon Park. If they were sprayed they may not be such a problem as every year the problem seems to get worse. Would also like to know more about what work is happening in Sandon Park before the work commences.

Mayor Best - responded that in terms of information provided to ratepayers that it was difficult for the City to provide information to certain segments of the City. He said that currently the City is looking at setting up options where ratepayers can access technology to provide them with more information on particular projects. The City do put out Press Releases in relation to projects but have to rely on the Southern Gazette newspaper to pick up the particular story. It is hoped that early in the new year we can progress the technology in this regard.

Director Infrastructure Services stated that each year there is a complete review of the mowing program with the intention of improving the service / frequency etc. He acknowledged that recently this has been difficult due to staff resources and the constant battle to retain staff at this level and confirmed that he would take the issue up again with the manager for this area in an attempt to try and improve matters.

Mayor Bests - stated it was a matter of equity and trying to spread limited resources across the City.

Roger Atkinson - who signed off on lower Ednah Street being bituminised?

Director Infrastructure Services - advised that this particular project started out with trees, however following community consultation the outcome resulted in all of the plans for trees being compromised for crossovers. He said that it is always the City's intention to 'green' streets where possible but this was not accepted by the community.

Lyn Giblett, 17 Amery Street, Como - earlier in the meeting Mr Kent spoke about the cost in printing / providing large reports to householders - what about this? (Mrs Giblett held up a private advertising Business Directory).

Director Financial and Information Services - confirmed that the City does not contribute to the particular publication referred to.

Lyn Giblett - what happened to the old front counter where you could actually talk to somebody behind the counter in regards to issues?

Mayor Best stated that the Concierge in Reception is there to 'field' questions to better identify the nature of the issue and call upon an appropriate officer qualified to answer the specific questions which is a more efficient way of managing staff resources.

Brian Handcock - concerns in relation to cost shifting from State to Local Government, such as the Neighbourhood Watch issue, which will continue to come forward.

Mayor Best - acknowledged the issue of cost shifting from State to Local Government and said Council is trying to get as many 'friends' as we can through WALGA etc to raise these issues with the State / Federal Governments. If residents and ratepayers were also to put pressure on where they can we would have a better front in maintaining the pressure.

Director Financial and Information Services - stated that it certainly was an important issue and acknowledged that there has been a shift from State Government to Local Government in areas such as community policing etc. He said that the City's CEO has played a very active role in the industry in addressing that particular issue and more recently similar concerns have been raised in relation to services which is already presenting a challenge to resources.

Chief Executive Officer - said it is one of those on-going issues as cost-shifting can be done in a number of ways, some fairly discrete, for example the underground power project. Council previously only had to contribute 1/3 costs whereas that has now shifted and local government has to contribute 50% so technically the local government contribution has increased by 50% from 33.1/3% to 50%. There are a number of examples where the initial funding allocation has shifted, so if local government wishes to continue services it needs to bridge the gap. Where local government is restricted as the bulk of its revenue is raised through rates, then the next two large items relate to fees and charges and government grants. If government grants are not increased and less revenue is received from government controlled fees it gives less to resources for services. One of the better known areas is recreation where services were funded by the State 15/20 years ago this funding has now been withdrawn and the costs totally absorbed by local government and this tends to be increasing over time. Notwithstanding that there is currently a lot of lobbying going on and the battle is beginning to be won as a three tier government agreement has been signed limiting cost-shifting.

Mr Bob Simper, Sandgate Street, South Perth - the Bus Shelter at the corner of Canning Highway and Hensman Street has been a 'mess' with food/rubbish splattered about it since September with nothing having been done to clean it up. There are plenty of contractors out there who can do the work but the fault seems to be within the Department. This issue needs to be sorted out / the department needs a major shake up by this Council. Surplus funds need to be spent widely - use of funds appalling over the last three years

Director Infrastructure Services - responded that the complaint would be taken on notice, investigated and Mr Simper advised of the outcome.

Mr Simper - same answer as last time - nothing happens.

Mayor Best assured Mr Simper that the matter will be addressed and enforced the fact that resource issues are currently having an impact on the services provided by the City. He then requested that Mr Simper refrain from making personal staff attacks when stating his complaints.

Mr Simper stated that this is an Annual General Meeting where ratepayers get a chance to complain.

Mayor Best said he did not see this 'forum' as an opportunity to throw in personal complaints. Those opportunities are every day and these issues are better dealt with on a day-to-day basis. If not dealt with in a timely manner then this is not the way to progress the matter but rather to discuss with the officer as this Council wants to fix the problem.

Mr Simper - in April this year the Administration asked for ratepayers' opinions in relation to the library / main hall proposal. A group sat down with the consultants employed by the City in relation to the hall / library project and provided input. When are the consultants going to get back to us?

Mayor Best acknowledged the community consultation held in relation to the hall / library project and said he did not know why this has not been followed up.

Chief Executive Officer responded that the event referred to was held in the Council Reception Area where the community were invited to view and contribute to proposals for the new Council facilities and also provide any comments in relation to the community hall and library project in relation to the buildings. He said that the current buildings were constructed 50 years ago and obviously when they are redesigned/refurbished we want them to be flexible and durable for the next 50 years. The design has not yet been completed in order to get community input as to what they would like to see in those two buildings. Information is currently being assessed by Mr Kent, the Project Manager and the architects for the project.

Note: Cr Ozsdolay left the Council Chamber at 8.25pm and returned at 8.28pm

Director Financial and Information Services said that while it would have been nice to see this move more quickly this was a significant project for the City and it was important to get the best outcome. Over the last 2 years there has been significant consultation with Focus Groups, a Community Survey, Stakeholder meetings with prospective tenants, including with the South Perth Learning Centre and Department of Health (regarding playground facilities). This feedback has been consolidated and has provided valuable input to date in planning and sourcing funding for the project. The City's Strategic Financial Plan recognised that the incorporation of the child health centre allowed two aged and currently unsuitable child health centres to be sold to provide funding for community facilities whilst replacing them with a purpose built one. Also extensive negotiations have been held with Lotterywest regarding funding opportunities and they are keen to hear about the synergies of incorporating such facilities into the community centre. At the moment we are establishing the building footprint and allocating floor space but need more work to be done before getting down to design details in order to do this project justice.

Mayor Best - in terms of the next stage of consultation, are we going back to the 'groups' for further input and updates?

Director Financial and Information Services said that the process previously explained needs to happen before the conceptual drawing stage ie the need to establish funding options etc before more information is made available.

Mr Simper - it seems that the decision who is going to be in the new building has already been made. We have an excellent child facility in Coode Street but have heard that this facility will be shifted - once again ratepayers have been excluded in these decisions.

Note: Cr Grayden left the Council Chamber at 8.31pm.

Director Financial and Information Services responded that some 4 years ago we started describing the concept and possible inclusion in the facility in the City's Strategic Financial Plan. Following community consultation the concept of incorporating the infant health centre into the new facility was supported by both the community and the State Government. This is in keeping with the 'New Beginnings Program'. State Government is keen to see infant health clinics co-locate with library facilities. The other potential tenant, which again has been talked about is South Perth Learning Centre which again offers synergies with the Library but these are just a portion of the tenants. The upper level hall would still be available to the public and it is certainly not about doing 'special deals' or restricting access.

Mr Simper - how much money is the State Health Department prepared to pay towards costs of these alterations?

Director Financial and Information Services said that since the mid 1950's the provision of a facility for infant health services has been the responsibility of local government. This requires us to provide a building where these activities take place. As a consequence of this proposal ie the merger of two infant health facilities, this creates a purpose built facility and provides funding opportunities for the City through the sale of the old sites and from Lotterywest. The tenant provides their own internal fit out.

Note: Cr Doherty left the Council Chamber at 8.33pm
Cr Grayden returned to the Council Chamber at 8.33pm

Mayor Best suggested that perhaps before Christmas that we host a 'update' meeting to those ratepayers who provided input into the community consultation in relation to this project.

Note: Cr Hasleby left the Council Chamber at 8.35pm

Mr Defrenne - Rates Issue - net rates increased by 4.9%. Other issue - in 2005/06 Budget and following community consultation \$10,000 was allocated for work to the park at the corner of Gwenyfred Road and George Street but so far nothing has happened - surely the ideal time for planting would be May? - when will something happen at this park?

Director Infrastructure Services - acknowledged that the ideal planting time is before the start of the winter months.

Mayor Best - confirmed that the consultation in relation to the park referred to had taken place in July 2007 and said that he would investigate the matter.

Note: Cr Doherty returned to the Council Chamber at 8.38pm

Mr Defrenne In relation to the library upgrade, at the community consultation the plans were then already 2 years old. Also at that meeting we were promised feedback which did not occur.

Mayor Best suggested that perhaps the consultant, Catalyst could republish their report.

Mr Defrenne - approximately 2 years ago I provided a reasonably detailed report on six buildings throughout the City which exceeded their approved plot ratio. I was promised a report in relation to these six buildings exceeding plot ratio, however believe the report was flawed and never came back to Council. Has anyone done an audit of planning approvals given out, other than those reviewed by resolution of Council, as to whether we are doing it correctly - do not believe it is the case.

Chief Executive Officer - responded no, an audit of all planning development applications had not been carried out. He stated that when it is considered the amount of research and investigation that has occurred in this area over the last 2 - 2.1/2 years you would have to conclude it has been significant in terms of resources both human and financial. He said that he initiated the Belmont Report for an independent review following Mr Defrenne's claims to the Mayor that six buildings within the City were over built in relation to the approved plot ratio. Following that review this claim was not proven - apart from the issues relating to SAT regarding the way the Council was calculating plot ratios at the time. The variations were minor apart from one area. In addition to those 6 buildings there have been other major buildings that have undergone scrutiny by lawyers and other professionals employed by the City. There has been no random audit but a lot of money spent on legal advice, independent surveyors, temporary staff etc which has impacted on the City but has generally found in favour of the way assessments are performed and calculated. Obviously there have been a number of changes as a result in that the planning department has been restructured into two areas of policy and statutory planning and is working well.

Over the last 3/4 months it is the first time the Planning Department has had a full compliment of staff with planning assessments being carried out in a prompt and effective way so that any issues that did exist have now been put behind us.

Mr Defrenne - is the City aware that the Belmont Report refers to a whole floor being left out of the Rose Hotel?

Chief Executive Officer said no, but he acknowledged that the Belmont report did have some errors in it and they have been responded to by staff.

Mr Defrenne - a lot of trouble in this Council has been caused by disputes. If Council resolved a lot of planning issues it would address these disputes.

Chief Executive Officer acknowledged that there have been some issues which he stated have been identified and investigated and said he was satisfied that appropriate measures have now been implemented and was confident with the processes now in place in the planning department to address these issues.

Mayor Best also acknowledged there have been some planning issues in the past but that procedures are now in place for the 'planning team' to get it right in the future. He said he welcomed ratepayers advising Council if they spot something they are not happy about in order that the issue can be addressed. He said that in the past SAT have found specific issues in relation to this Council's calculations but that he was confident the new procedures that are in place will address this.

Mr Defrenne asked if the 'Belmont Report' (with corrections made) can be made public so it could be used as a reference document?

Mayor Best agreed that the report be made available.

Jan Semple extended a welcome on to Council the newly elected Mayor and Councillors and wished them a prosperous New Year.

Mr Simper - have spoken to Council Administration in regards to advertising / building signs being put up illegally on street verges and was given an assurance this will not occur in future but nothing has been done about this. The other issue relates to Coles Supermarket in Angelo Street and their rubbish bins obstructing the footpath again.

Mayor Best gave Mr Simper a commitment to follow up on the two issues raised with the relevant Council Officers in order to address the problems.

Chief Executive Officer - stated that he was not aware of any illegal signs on verges that have not been acted upon and that his officers take these issues seriously and act upon complaints received. He further stated that there is a process to go through of giving the parties concerned adequate notice to remove signs.

Mr John Stewart stated that on a positive note he wished to advise Council that he had made a number of inquiries to the Administration in recent months to which he had receive positive responses and all in all it was not a 'bad experience' at all.

Mayor Best stated that he recognised that there is always more we can do but that Council was about a continuous improvement approach during difficult circumstance in relation to attracting and retaining staff who take great pride in providing / maintaining services to the community especially with a resources boom on. He said that under the circumstance staff do a great job but that is not to say there is no room for improvement.

6. CLOSURE

The Mayor thanked everyone for their attendance and closed the meeting at 9.07pm.

These Minutes were received at a Council meeting on 18 December 2006

Signed _____
Chairperson at the meeting at which the Minutes were confirmed



SPECIAL ELECTORS MEETING

**Minutes of Special Electors Meeting Called in Response to a Petition to Discuss
'Local Residential Community Desire to Change the City of South Perth Street Tree Policy to retain the Cape Lilac Tree as a Designated Street Tree'
Held in the Civic Centre, Main Hall, Sandgate Street, South Perth
Wednesday 21 November 2007 Commencing at 7.00pm**

1. DECLARATION OF OPENING

The Mayor opened the meeting at 7.00pm, welcomed everyone in attendance and then introduced Councillors and staff present.

2. RECORD OF ATTENDANCE / APOLOGIES

Present:

Mayor J Best

Councillors:

I Hasleby	Civic Ward
P Best	Como Beach Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Grayden	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr M Taylor	Manager City Environment
Mr C Baker	Parks Operations Co-ordinator
Ms K Dravnieks	City Sustainability Co-ordinator
Mr J Murray	Streetscape Maintenance Supervisor
Mrs K Russell	Minute Secretary

Gallery

There were approximately 50 members of the public and 1 member of the press present

Apologies

Cr G W Gleeson	Civic Ward
Cr B W Hearne	Como Beach Ward
Cr D Smith	Mill Point Ward
Cr T Burrows	Manning Ward
Cr R Wells, JP	McDougall

STATEMENT FROM THE MAYOR

The Mayor outlined the format for the Special Electors Meeting, called in response to a Petition with 191 ratepayer's signatures and advised that the first presentation would be from the Manager City Environment, Mr Mark Taylor, followed by a presentation from Greg Benjamin, the petitioner and Arboriculturist Jonathan Epps. He stated that it was his intention to apply the City's Standing Orders Local Law to the running of the meeting, and raised the following points:

- Only electors can speak or vote at the meeting
- Councillors are not obliged to attend Electors' Meetings but have chosen to do so to listen to the comments made by the residents of South Perth. Councillors will not respond to any questions.
- Electors have the right to speak however any Councillor wishing to speak does so as an elector.
- Council is not bound by any decision made at the meeting. Motions passed will be considered by Council at the December 2007 Council meeting.
- Each speaker will be permitted 5 minutes and should restrict their comments to the subject of the meeting.
- Speakers should not repeat comments / points already raised by another speaker. There will be the opportunity to voice support in the vote when any Motion is put.
- Meeting protocol to be adhered to.

3. **PETITION**

Mayor Best read aloud the text of the petition, as follows:

Petition received 2 November 2007 from Greg Benjamin, 42 Norfolk Street, South Perth and approximately 190 signatures.

Text of the petition reads:

Under Section 5.28 of the *Local Government Act 1995*, the electors from the City of South Perth whose names, addresses and signatures are set out in the attached petition request that a special meeting of electors be held to discuss the local residential community desire to change the City's Street Tree Policy to retain the Cape Lilac Tree as a designated tree.

Details of matters to be discussed at the meeting are:

- (a) Altering the Street Tree Policy to include Cape Lilacs as a designated street tree where residents vote to retain them.
- (b) Protection to (heritage list) the existing 60 year old Cape Lilac trees in Carr Street and any other street that requests similar action.
- (c) Replant empty verges in Carr Street with cape lilac saplings ie 5m trees and any other street that requires similar action.
- (d) Replace Cape Lilac trees with fatal stem decay with cape lilac saplings ie 5m trees
- (e) The City plant nursery begin an immediate program to propagate Cape Lilac trees for Carr Street and any other street that requests Cape Lilac trees for planting out as mature saplings.
- (f) The City undertake annual pruning / branch removal using target pruning methods as stipulated in Australian Standard 4374 (2007) "Pruning of Amenity trees"
- (g) The city to work with residents to coordinate and maintain white cedar moth reduction strategies (hessian skirts around tree trunks etc)
- (h) The City to spray for white cedar moth **only** as required.
- (i) Will the Council assure residents of the City of South Perth that it will provide meaningful answers to these questions at the meeting?

4. REPORTS / PRESENTATIONS

The Mayor requested the Manager, City Environment to make his presentation on the City's Street Tree Policy. Mr Taylor commenced by introducing John Murray the City's Streetscape Maintenance Supervisor and Craig Baker the Parks Operations Co-ordinator.

PRESENTATION MANAGER CITY ENVIRONMENT

Mr Taylor commenced his presentation and covered the following topics:

- **City of South Perth Street Trees**
 - Most of the City's mature street trees were planted in the 1940's.
 - Street trees survive in a very harsh environment. They've had to cope with pruning for powerlines, reflected heat from roads, driveways and pathways, frequent root disturbance and differing watering regimes.
 - Many of these trees are nearing the end of their useful life in this harsh urban environment as against park trees of the same age.
 - The challenge for the City is to manage the risk these trees are increasingly presenting as well as ensuring they are being adequately replaced by new trees.
- **The Street Tree Policy was adopted by Council in 2002 and reviewed in 2005.**

The policy statement is as follows:

1. The City recognises and values the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and in the provision of natural habitat.
2. The City will plan for the provision, retention and maintenance of suitable street trees and streetscapes in accordance with the strategies established in the Street Tree Management Plan. The City recognises the need to remove unsuitable or unsafe trees.
3. Tree planting will be in street themes as identified in the Street Tree Management Plan and will be consistent with the intent of providing green linkages as identified in the City's Green Plan.

- **Street Tree Management Plan**
 - The Street Tree Management Plan (STMP) was adopted by Council in 2000 and has been the subject of minor revisions mainly to precinct tree species;
 - The STMP is essentially a set of procedures for the City Administration to follow when dealing with street tree issues;
 - The STMP also established the idea of theme tree species for every street of the City.
 - The City has adopted an implementation program as part of the STMP. The two main phases of the program are as follows:
 - Creation of a database of street trees;
 - Old Tree Stock Replacement Program (primarily Cape Lilacs);
 - Street Tree Infill Program. This is progressively being implemented on a Ward by Ward basis.
- Under the STMP, trees will only be removed for the following reasons:
 - *Trees that are dead or diseased and remedial treatment is not considered worthwhile;*
 - *Hazardous trees or those causing damage to public and private property, where repair and specific treatment options are not appropriate;*
 - *Trees conflicting with road works, drainage, services and/or construction on road reserves, following an assessment of trees and examination of all other options to tree removal;*
 - *Senescent (ageing) trees or dead, diseased or structurally unsound trees where replacement strategies are in place.*

- **Street Tree Database**

In order to manage the City's street trees, a database has been developed linked to the GIS system. The City can now retain maintenance records for all of its street trees.

An example of some of the statistics that can be obtained is as follows:

- In 2001 when the database was completed there were **14,525** street trees in the City of South Perth
- Total number of street trees in the City as of today – **17,659**
- New street trees planted since 2001 - **4,162**
- Number of trees removed for various reasons since 2001 (inc.Cape Lilac replacements) - **1,028**

- **Cape Lilac Replacement Program**

- Number of Cape Lilacs replaced since the program began in 2001 - **418**
- Number of Cape Lilacs that have suffered major trunk failure requiring removal – **87**
- Combined total of Cape Lilacs replaced – **505**
- Number of Cape Lilacs remaining in the City - **205**
- The City has been progressively replacing its Cape Lilacs due to that fact that most of the remaining trees are in poor condition.
- This is largely due to past pruning practices (pre 1980's) where **all** deciduous trees were pollarded annually.
- Cape Lilacs are not able to protect themselves from fungal attack as well as other trees and as a result have deteriorated to the point where many have suffered limb and trunk failure below the regrowth points from the previous pollarding.
- The City has a duty of care to maintain a safe environment for residents and visitors. Many of the remaining Cape Lilacs are considered to be of unacceptable risk.
- As a result, the City embarked on a "replacement where possible" program.

- **Cape Lilac Replacement Program – Carr Street**

- The residents of Carr Street have advised the City that they would like to keep their Cape Lilacs for as long as possible;
- The residents have engaged an Arboriculturist to work with them (and the City) to maintain as many of the trees for as long as possible (a retention where possible program);
- The City has agreed to work with the residents to maintain the remaining trees;
- The area of dispute now is over the replacement species for removed trees;
- The STMP currently precludes the use of the Cape Lilac due to problems experienced with the White Cedar Moth.

- **Use of the Cape Lilac as a Replacement Species**

- The Cape Lilac is susceptible to infestation by the White Cedar Moth larvae;
- The City has been attempting to manage the infestations with a spray program;
- Residents have also assisted by installing hessian skirts on some trees to reduce infestation;
- The City Administration's role is to manage the street tree stock long term ~70 years into the future;
- Should we be using a species with a known problem?

The Mayor thanked Mr Taylor for his presentation and invited Mr Benjamin to address the meeting:

PRESENTATION BY GREG BENJAMIN AND JONATHAN EPPS

Mr Benjamin welcomed everyone and thanked those electors who signed the petition. He then commenced his presentation on the following topics:

- **Background**

The matter is of principal interest to the residents of Carr Street, and other scenic Cape Lilac lined streets such as River View Street, Hopetoun Street, Alexandra Street, Hovia Terrace, and Gladstone Avenue

- **Democratic Votes by Carr Street residents**

The reason for the meeting has been prompted by the frustrated experience of Carr Street residents, who during the past two years, in response to consultation by the City of South Perth, have overwhelmingly voted on two occasions, for Cape Lilacs to be maintained and continued as canopy in their scenic street. The first vote in favour of continuing Cape Lilacs was **85%** in 2005 at a street meeting and the second vote was conducted by the City by post in 2007 when **86%** were in favour of continuing Cape Lilacs. The overwhelming result of the votes were made in the full knowledge and appreciation of the so called 'issues' associated with Cape Lilacs.

Despite the overwhelming votes which had been called for by the City of South Perth, influenced by a City of South Perth Street Policy which did not include the Cape Lilac as a designated street tree, and its Street Tree Management Plan to progressively replace the Cape Lilacs, on the 26 June 2007 the City of South Perth Council approved **Jacaranda** as the replacement street species for Carr Street. The Council decision to approve Jacaranda is now in conflict with the City's Plan to have common street themes.

Mr Jonathan Epps, Arboriculturist spoke on the following points:

- October 2005 residents of Carr Street approached me to prepare a Tree Report following a recommendation from the City of Perth to remove all the existing tree stock from Carr Street and replace them with young trees.
- My report was essentially to make comment on the suitability of the existing tree stock for retention in a public area. Also commenting on management practices to help retain the trees for the near future. I was also asked about the possibility of replanting with the same species.
- December 2005 a 6 page "Tree Report" and 36 page "Tree Survey Inspection and Maintenance Schedule" was produced citing the existence in Carr Street of 36 trees of which 33 were mature Cape Lilac, 2 others being Queensland Box and one young struggling Jacaranda.
- Examination of the trees showed that the bad pollarding practices history (as managed by the City of South Perth including response to conflict of tall branches with overhead powerlines), caused detriment to the trees, from which they are now structurally in a better condition
- With the majority of the Carr Street tree population recommended for pruning works to increase public safety, I recommended 5 Cape Lilac trees to be removed immediately due mostly to poor pollard or branch attachments: since a brief inspection in July this year, another Cape Lilac is due to be removed.
- August 2006 City of South Perth accepts Tree Report and permits myself to supervise the tree pruning to the Australian Standard for the Pruning of Amenity Trees (since revised on March this year).
- I believe that with the management practices it is acceptable to retain an aging tree population for the foreseeable near future. Many of the Cape Lilacs of Carr Street potentially have lives of up to another 10 to 20 years.
- An ideal street tree population would have a mixture of age classes this simply means young, semi-mature, mature and senescing trees. Unfortunately Carr Street seems to have mostly the latter.

- A problem often arises with the choice of the replacement trees. Name any tree and I can provide negative comments about it. However my job is to provide the client with independent, impartial advice.
- A nursery in Victoria is growing a selected cultivar of Cape Lilac called 'Elite'. It is grown to the customer's requirements – in the case of Carr Street it would have a clear stem to 2 metres in height with a well formed crown. In addition this cultivar does not produce fruit, and does not have to undergo any rigorous pruning as there are no overhead power lines.
- Pests and diseases in my experience do not inhabit healthy and vigorous trees.
- As reported to the City of South Perth in April 2007, with a few exceptions, the Cape Lilac tree population of Carr Street as a whole appears to be healthy and sound at the present time.

Recommendations from Jonathan Epps

- Continue my annual tree inspections in Carr Street
- Carry out any target pruning or removals as found necessary
- Plant the vacant tree sites with the 'Elite' cultivar of Cape Lilac
- Continue to treat the White Cedar Moth problem with Hessian sacking dipped in Dipel, an environmentally friendly compound which has a very high success rate against any advance of the caterpillars
- Do not spray trees in public areas
- I do not believe that Jacarandas are acceptable as street trees

Mr Benjamin continued the presentation on the following topics:

- **Pruning Proposed 2005**

Letter from CoSP September 2005 stated: *in their present state, some of these trees pose a considerable risk to the community and if this matter is not resolved in the very near future the City may have to begin an expensive program of pollarding all the Cape Lilac trees in Carr Street.....*

- **Pruning Outcome 2007**

- The trees certainly did not need to be pruned to the extreme extent as suggested by the City of South Perth.
- With the long overdue responsible targeted pruning that was supervised by Jonathan in September 2006, residents are very happy with the outcome that structurally suspect limbs have been dealt with, whilst maintaining an aesthetically pleasing outcome for the community
- We look forward to Jonathan's continued involvement in the annual review and responsible targeted pruning of the trees.

- **White Cedar Moth**

- I believe the issue regarding the caterpillars in Carr Street is now under control, as other residents can testify.
- Firstly residents have been using to great effect, Hessian or shade cloth bands, (which can be used with environmentally friendly Dipel) around the trunks of trees, and used to capture adventurous hairy caterpillars who only feed on the leaves of the tree during Spring and into Summer.
- Secondly, annual target and responsible pruning of tree limbs will stop any caterpillars from dropping into the small number of residents who have experienced problems.
- Thirdly the health of the trees will minimise any susceptibility from the caterpillars.

- **Berries**

- The berries of the Cape Lilac tree are unpalatable and indigestible
- with a consequent low risk of harmful consequences: to my 20 year knowledge, in Carr Street, no one there has had any problems with ingesting the berries.
- The WA Department of Health Hospital Morbidity Data System has been searched over the past four years and shows that very few hospital inpatients have been recorded with the condition of ingesting Cape Lilac berries, and “none from the City of South Perth”.
- To further mitigate any risks with the berries, it is recommended that the replacement species for Carr Street (and any other Streets) be the Cape Lilac cultivar Melia Azedarach ‘Elite’ as mentioned by Jonathan Epps.

Ms Alex Jones representing “Save our Trees” spoke on the “Petition for the Protection of Mature Trees on Public Land in Urban Areas” tabled in the Legislative Council of Parliament earlier this year via the Standing Committee on Environment and Public Affairs.

Mayor Best thanked Greg Benjamin, Jonathan Epps and Alex Jones for their presentations.

MOTION

Moved Greg Benajmin, Sec Denis McInerney, 60 Labouchere Road -

That the City of South Perth Street Policy be changed to retain the Cape Lilac as a designated tree the details of the matters (a) thru to (i) as contained in the “Request for Special Meeting of Electors “ dated 4 September 2007 and lodged on 1 November 2007 with the City of South Perth.

- altering the Street Tree Policy to include Cape Lilacs as a designated street tree where residents vote to retain them.
- protection to (heritage list) the existing 60 year old Cape Lilac trees in Carr Street and any other street that requests similar action.
- replant empty verges in Carr Street with cape lilac saplings ie 5m trees and any other street that requires similar action.
- replace Cape Lilac trees with fatal stem decay with cape lilac saplings ie 5m trees
- the City plant nursery begin an immediate program to propagate Cape Lilac trees for Carr Street and any other street that requests Cape Lilac trees for planting out as mature saplings.
- the City undertake annual pruning / branch removal using target pruning methods as stipulated in Australian Standard 4374 (2007) “Pruning of Amenity trees”
- the city to work with residents to coordinate and maintain white cedar moth reduction strategies (hessian skirts around tree trunks etc)
- the City to spray for white cedar moth **only** as required; and
- will the Council assure residents of South Perth that it will provide meaningful answers to these questions at the meeting.

Mayor Best asked for comments on the presentation from the Manager City Environment.

Manager City Environment provided the following responses to issues raised in the Motion:

- (a) **Altering the Street Tree Policy to include Cape Lilacs as a street tree where residents vote to retain them.**

Response - The Street Tree Management Plan (STMP) currently does not have the Cape Lilac (*Melia azedarach*) as an allowable tree species. Council could resolve for this to occur, however as resolved by Council in June (Item 10.4.1) for Carr Street, the Cape Lilac is not to be used due to the problems experienced with the White Cedar Moth.

- (b) **Protection to (heritage list) the existing 60 year old Cape Lilacs in Carr Street, and any other street that requests similar action.**

Response - The Cape Lilacs in Carr Street or any other street would not meet the criteria for registration as significant trees under the City's Town Planning Scheme due to their declining health. All street trees are protected by local law and removal is only allowed under the criteria set out in clause 10(b) of the STMP.

The trees could be considered for the City's Municipal Heritage inventory but the trees would need to be of "cultural, social or historic" significance. There are certain trees already on the inventory such as the pines in Collier Park. A heritage report would need to be prepared for Council to consider whether the trees met the criteria.

- (c) **Replant empty verges in Carr Street with Cape Lilac saplings i.e. 5 metre trees.**

Response - It is possible to replant the verges with Cape Lilacs if Council resolves to change the resolution of the June 2007 meeting. The size stipulated will present a problem. A 5m tree roughly equates to a 500 litre bag size. This size is not only difficult to physically plant, but will cause problems with existing underground services due to the size of the hole required to fit the tree.

- (d) **Replace Cape Lilac trees with fatal stem decay with Cape Lilac saplings ~ i.e. 5 metre trees.**

Response - as per previous part (c) response.

- (e) **The City plant nursery can begin an immediate program to propagate Cape Lilacs for Carr Street and any other street that requests Cape Lilac trees, for planting out as mature saplings.**

Response - The City's nursery is equipped to grow large trees.

- (f) **The City undertake annual pruning/branch removal using target pruning methods as stipulated in Australian Standard 4373 (2007) "Pruning of Amenity Trees.**

Response - The City has been specifying the standard in its street tree maintenance contracts since the mid 1990's.

- (g) **The City work with residents to coordinate and maintain white cedar moth reduction strategies (hessian skirts around tree trunks, etc).**

Response - The City would be prepared to discuss this issue with residents. The application and management of hessian skirts could become a labour intensive operation, particularly if residents decided it was the City's responsibility, and the City began planting more Cape Lilacs.

- (h) **The City spray for white cedar moth only when required**

Response - The City currently sprays for white cedar moth on an as required basis.

5. PUBLIC COMMENT PERIOD

COMMENTS FOR / AGAINST MOTION FROM THE GALLERY

Mr Denis McInerney for the Motion - I live at the corner of Riverview Street and Labouchere Road with a canopy of Cape Lilac street trees - would like this not only for Carr Street but for the whole of South Perth. This issue has been going on for over 15 years. I wrote to Council in 1995 and sent a letter from a qualified Horticulturist (Mr McInerney read aloud the correspondence referred to) in support of retaining Cape Lilacs as a street tree. There are too many trees lost by developers, by Council mistakes etc - suggest all Cape Lilac trees be retained.

Mr David Dale, 16(A) Karoo Street against the Motion - If you look at history you have 200 years of degradation. Commend Council for its approach in its Street Tree Policy. If you refer to Cape Lilacs on the internet it is referred to as a 'western weed' and also recognised as an Australian weed with an acknowledged berry problem. If this Motion is carried Council should look at it seriously and perhaps get a wider survey from City residents - well intentioned people with wrong ideas.

Clive Deverall, 12 Hopetoun Street for the Motion - thank Greg Benjamin for his research/presentation. We are talking about a valuable community amenity here not only in relation to protection from heat but habitat for birds providing a pleasing canopy that adds value to property. The moth issue is easily treated with Dipel and proper pruning will provide trees that will last well into the future. Support the Motion

Roger Atkinson, Coode Street for the Motion - support Carr Street residents, support Street Tree Policy being reviewed / improved and applaud residents' action. Support the Motion.

Sally Cook, York Street for the Motion - definitely time we started protecting our trees. I have two Cape Lilacs in my garden - caterpillar problem easily addressed by spraying with Dipel. Respect the view that Cape Lilacs are un-Australian but so are roses and petunias. We need street trees with a wide canopy for shade - Cape Lilacs attract birds which is a great pleasure. It is time Council listened to experts like Jonathan Epps and others. Support the Motion

Heather Watson, Riverview Street for the Motion - have owned a property in Riverview Street for 25 years - it is a beautiful shady street and owners properties have increased in value by the established street trees. I vigorously oppose any removal of trees in Riverview Street as it will devalue properties. Have never heard of any issue arising from anyone eating the Cape Lilac seeds. Here we have beautiful wide streets that are a pleasure to visit and I ask Council to redirect its attention to making sure the trees in Carr Street are as beautiful as the ones in Riverview Street. Strongly support the Motion and against removal of trees.

Oliver Crosthwaite, 3 Edinburgh Street for the Motion - nothing against exotic trees - as far as I understand the White Cedar or Cape Lilac is from the Eastern States. Want to know why we need to replace Cape Lilacs with another tree - in other parts of the City you see replacements with inadequate alternative trees. Do not want to see Cape Lilacs replaced with alternative 'cultivar' of the Cape Lilac. Understand no cases of people in Australia being poisoned by berries from Cape Lilacs. Trees should only be replaced because of health and this issue should be considered in relation to what is happening in South Perth with development and the wholesale destruction of its landscape which does not create a very nice environment. Support the Motion.

Margaret Dawkins, Carr Street for the Motion - lived in Carr Street for 22 years and enjoy the beautiful canopy of trees every day. Sensible people live in Carr Street - they do not want any damage to cars / property etc and acknowledge some trees many need to be replaced - not advocating everything needs to stay the same - but replace as needed and enjoy the amenity.

Steve Richards, 21 Carr Street for the Motion - resident for 30 years - want to retain 'green' canopy - acknowledge trees have to be replaced when they become unstable. Proposed Jacaranda replacement tree will take a long time to mature to create canopy such as is provided by the current Cape Lilac trees. Refer to Gillon Street - trees planted approximately 1990 are now only 4m - will take many years to create a canopy like Carr Street. To replace Cape Lilacs in Carr Street with Jacarandas will not create amenity we have now for a very long time. Council has a responsibility to listen to its ratepayers - many residents of Carr Street bought into the Street because of the 'look' of the street - Support the Motion.

Sylvio Worth, Hampden Street for the Motion - have lived in the district 40 years - everyone knows I like trees. Council should have a law if a tree is sick it be removed. We all like trees but need the view point that if a tree is sick or dangerous it has to go. Support the Motion.

Geoff Defrenne for the Motion - prime issue is safety - trees in question are potentially dangerous / valid argument. Has the City done an assessment on dangerous trees and is this one of the most dangerous streets in relation to trees? Have not heard of anyone being killed in Carr Street because of the trees - Is this the most dangerous spot in South Perth, suggest it is not.

Debbie Carrivick, 31 Carr Street for the Motion - beautiful tree canopy in Carr Street - have two red-headed children and we enjoy walking in Carr Street but as we turn up Hensman Street to walk to school it is awful due to there being less trees which is a shame. What tree is perfect - something wrong with all of them - acknowledge Cape Lilacs drop a few berries - not enough reason to remove the trees. Support the Motion.

Nick Park, 112 Lansdowne Road for the Motion - live parallel to Gwentyfred Road where all the Cape Lilacs were removed and replaced with young Jacarandas - the street now looks very bare and hot. One thing you should not do is remove old trees totally down a street and then replace with young trees. Support Motion with the exception that all un-safe trees have to be removed.

Hopetoun Street - suggest policy be modified. It was the canopy of trees in Hopetoun Street that sold the street to us - Would like to see policy amended to maintain canopy while other trees are being established.

The Mayor put the Motion.

CARRIED UNANIMOUSLY (49/1)

Mayor Best thanked the petitioner for his presentation and stated that the Motion will be presented to the December 2007 meeting of Council for determination.

6. CLOSURE

The Mayor closed the meeting at 8.35pm

These Minutes were confirmed at a meeting on 18 December 2007

Signed _____

Chairperson at the meeting at which the Minutes were confirmed

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION	Barking Gecko Theatre Company
Location	180 Hamersley Rd SUBIACO WA 6008
Purpose of Org	WA's Premier professional children's theatre company that produces and performs primarily new work for young people aged 5 - 17 and their families.
Request from Council	\$4,950
PROJECT	South Perth Schools Subsidy Project
Description	To provide a subsidy of \$3 for students attending COSP schools to attend Barking Gecko schools performances of 4 productions in 2007.
Dates	Various throughout 2008
Objectives	Providing access to COSP based students to live theatre performances
Target Group	Primary and high school aged students attending schools in COSP
Project Budget	The total cost of producing the 4 productions is \$428,096, however this project is a subsidy program that does not incur any expense. It is anticipated that up to 1,650 students in the City of South Perth will take advantage of the program for a project cost of up to \$4,950.

COMMENT

Barking Gecko continues to develop new ways to ensure that the themes of its productions are relevant to social issues such as adult relationships, tolerance, bullying, and communication. COSP would be invoiced for a specific amount once the schools bookings had been made. COSP has developed an excellent relationship with Barking Gecko over the past 5 years, and feedback from previous years' projects indicates that schools who would not normally access these types of performances due to cost, have the opportunity to do so.

RECOMMENDATION

To provide up to \$4,950 in funding to Barking Gecko Theatre Company.

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION	Collier Park Seniors Golf Club
Location	Hayman Rd COMO
Purpose of Org	To provide a social environment for seniors to learn and enjoy playing golf together.
Request from Council	\$1,500
PROJECT	City of South Perth Perpetual Cup
Description	To host a nine hole golfing tournament - an Ambrose event, open to all golfing Seniors in South Perth.
Dates	May 1 st 2008
Objectives and Benefits	Reflects need for seniors to be involved in physical activity. Participants will benefit from exercise and social interaction. Promotes Collier Park Golf Club.
Target Group	Seniors in South Perth
Project Budget	\$5,800 (\$4,100 cash - \$1,700 in kind)

COMMENT

An excellent way of encouraging Seniors participation in an event that promotes physical activity and social interaction. The City has funded this project in past years to an amount of \$1,200 which has typically been used for the purchase of trophies. The recommendation is to fund this project to a similar level as 2006.

RECOMMENDATION

To provide \$1,200 in funding to the Collier Park Seniors Golf Club.

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION	Soroptimist International of South Perth
Location	PO Box 8224 Angelo Street SOUTH PERTH
Purpose of Org	A Worldwide organisation for women, working through service projects to advance human rights and the status of women.
Request from Council	\$1,500

PROJECT	Sports Scholarships
Description	To provide sports scholarships for a number of children whose parents/guardians want to support their children's sporting aspirations but who find the cost of fees, uniforms and associated items beyond their family budget.
Dates	Throughout the Year
Objectives and Benefits	Reflects High need for young people to be involved in physical activity. Participants will benefit from exercise and social interaction.
Target Group	Primary School aged children
Project budget	\$2,500

COMMENT

This project is seen as having significant social as well as health benefits for the participants. It also provides benefits from one on one mentoring as members of the Soroptimist Club take a personal interest in children receiving scholarships.

RECOMMENDATION

To provide \$1,500 in funding to Soroptimist International of South Perth.

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION

South Perth Outreach

Location

2 Lawler Street SOUTH PERTH

Purpose of Org

To create a stronger socially sustainable community and increase opportunities for people to participate and interact

Request from Council

\$10,000

PROJECT

The Friendship Centre

Description

To Provide direct support to disadvantaged persons in the City of South Perth through the provision of lifestyle training.

Dates

Feb - Dec 2008

Objectives and Benefits

Wide range of personal benefits including development of social skills, increased employment prospects, increased self confidence in the participants and various others

Target Group

Disadvantaged residents of South Perth, Unemployed, migrants and multicultural backgrounds

Project Expenditure \$67,750 (\$12,450 cash - \$55,300 in kind)

COMMENT

The City provided funding in December 2005 to help establish this initiative and funded the organisation again in 2006. the objectives of South Perth Outreach align closely with the City's Connected Community philosophy and addresses identified needs for a section of the community that does not have a strong voice.

RECOMMENDATION

To provide \$10,000 in funding to South Perth Outreach.

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION	UnifyingCare West Rainbow Project
Location	19 Pether Rd MANNING
Purpose of Organisation	To assist people challenged by Psychiatric disabilities to live as full a life as possible
Request from Council	\$11,000
PROJECT	UnifyingCare West Rainbow Project
Description	Seven fortnightly lunch groups in various suburbs Coffee morning at the Rainbow Project site A befriending program Orientation days for potential volunteers
Dates	Ongoing
Objectives	Support people challenged by psychiatric illness Discover & nurture the potential of people with psychiatric illness Reduce the incidence of re-admission of people with psychiatric illness to mental institutions
Target Group	People with psychiatric disabilities
Project Expenditure	\$97,000 (\$46,500 cash - \$50,500 in kind)

COMMENT

Established 6 years ago the Rainbow project continues to grow as an organisation meeting a need to support people with mental illness. Currently over 300 people participate in the Rainbow Project which is run by minimal paid staff and a significant volunteer base. 45 people (21 consumers, 8 carers and 16 volunteers) South Perth residents currently participate. The City has supported the Rainbow Project since its inception.

RECOMMENDATION

To provide \$11,000 in funds to contribute to the costs associated with running the Rainbow Project.

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION	South Perth Primary P&C Association
Location	51 Forrest Street, SOUTH PERTH 6151
Purpose of Organisation	To support to students and staff of South Perth Primary School
Request from Council	\$3,200
PROJECT	Artist in Residence
Description	An artist working with students in a series of workshops.
Dates	June 2008 to July 2008
Objectives	Involving students in a contemporary cultural activity in a project unable to be provided by the school.
Target Group	Primary aged children predominantly from the City.
Project Expenditure	\$5,000(\$5,000 cash - in kind not itemised)

COMMENT

The City has funded a number of Artist in Residence projects through various P&C groups in recent years. This is an excellent way of involving primary aged students in these activities at schools that cannot include arts projects of this type in their regular programs.

RECOMMENDATION

To provide \$3,200 in funding to the South Perth Primary P&C

**COMMUNITY DEVELOPMENT GRANTS
ROUND 2 2007/2008**

Summary of Applications

ORGANISATION

West Australian Music Industry Association

Location

Schools in the City of South Perth

Purpose of Organisation

To provide school children a program of song writing workshops, recording workshops and professional learning for teachers.

Request from Council

\$3,000

PROJECT

WAM's school program

Description

A series of six contemporary music concert and workshop incursions at schools in the City of South Perth including primary, secondary and public and private schools.

Dates

4 February to 4 July 2008

Objectives

WAM aims to help develop the WA Music Industry by engaging young people in contemporary music activity.

Target Group

Primary and Secondary age children

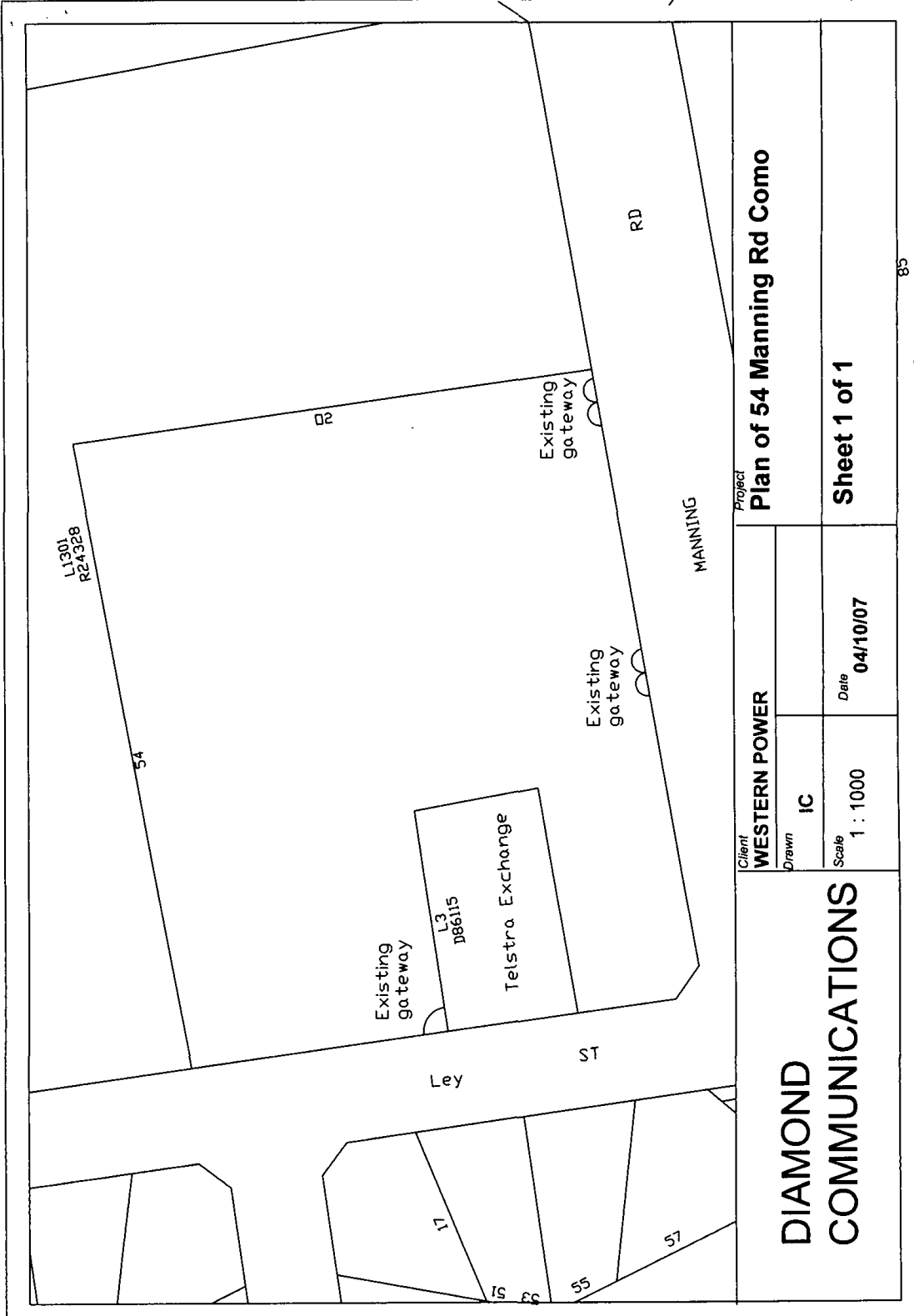
Project Expenditure \$5,750 (\$5,100 cash - \$650 in kind)

COMMENT

The assessment panel felt this application was not fully developed. No schools had been consulted to determine the demand and benefits of the program. The panel felt the initiative has merit and that officers could assist in a future submission that investigated the project in a local context.

RECOMMENDATION

That WAM is not supported in this round but officers liaise further with the organisation to develop the project more fully



Client WESTERN POWER	Project Plan of 54 Manning Rd Como	
	Drawn IC	Date 04/10/07
Scale 1 : 1000		Sheet 1 of 1

DIAMOND COMMUNICATIONS



Diamond Communications Pty Ltd
22 Gauge Circuit Canning Vale WA 6155
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4th October 2007

City of South Perth
Corner Sandgate and South Tce
South Perth 6151

Planning Officer

Vacant property corner Ley and Manning Rd Como (Old Telstra Site)

Dear Sir/Madam

Please find included with this letter a Form of Application for Planning Approval for the use of the vacant land on the corner of Ley St and Manning Rd (54 Manning Rd). The land is to be used for the storage of construction materials for the retrospective undergrounding of power supplies in Mt Pleasant and East Como.

The use of the site is required for approximately two years from October 2007. No permanent structures will be constructed on the site; however it is possible that a small demountable site office may be required.

The existing fence and gateways to the property will be upgraded for security purposes and the access to the site will be on a daily basis, however cable and other material will be delivered and picked up only as required and this will not require constant use by heavy vehicles. It is envisaged that deliveries of materials will be weekly and dispatch will be either daily or every second day. Smaller service vehicles will be present at times during the day.

There is no intention to remove any of the trees on the site

No 1:100 plan is available for this site due to the size of the area however I have included a 1:1000 plan of the land in question.

Any inquiries regarding this matter please contact me on 9311 5828

Please return a tax invoice receipt for the Planning Application fee

Yours sincerely

A handwritten signature in black ink, appearing to read "Ian Culling", written over a horizontal line.

Ian Culling
Manager Power Division
Diamond Communications



Diamond Communications Pty Ltd
22 Gauge Circuit Canning Vale WA 6155
ABN 56 090 105 141
Tel: (61 8) 9311 5888
Fax: (61 8) 9311 5887
Email: email@diacom.com.au



11th October 2007

City of South Perth
Corner Sandgate and South Tce
South Perth 6151

Planning Officer

Vacant property corner Ley and Manning Rd Como (Old Telstra Site)

Dear Sir/Madam

As requested I wish to submit the following additional information in regard to the use of lot 2 54 Manning Rd Como for the storage of materials to be used in the undergrounding of power supplies in this area.

- 1 The working hours will be from 07:00 to 18:00 on week days working times on Saturdays will be from 07:00hrs to midday however work on Saturday will be dependent on site conditions. Bulk materials will be delivered approximately weekly and supplies for work crews will be picked up daily.
- 2 Materials will be drums of cable, street light standards and transformers and High Voltage switchgear. Small items of stores will be located in sea-tainers to be located on the site. At any time there will be approximately fifteen drums of cable of approximately 2.5m in diameter. Street light poles of 6.5 and 12.5 metres in length will be stockpiled at the site prior to installation in Como and Mt Pleasant. There will also be up to ten to twelve transformers and switchgear stockpiled and each item would measure approximately 1.5 x 1.5 metres.
- 3 The area of the site to be used is that area that still has a hard surface being from the North side of the Telstra exchange to Manning Rd This area is as indicated on the accompanying drawing.
- 4 No decision has yet been made to locate a site office on site however should this be required it will be located between the two gates that open onto Manning Rd
- 5 Access to the site will from the gate on Ley St and exit from the eastern gate on Manning Rd.
- 6 There will be no constructed unloading bays or parking areas on the site. There will be no vehicles parked on the site for any extended period of time. For tool box talks, to make crews aware of safety concerns, all vehicles would meet on site. This would be for a short period in the morning and would amount to approximately a dozen vehicles ranging in size from utilities to 12 tonne trucks.
- 7 Vehicles entering the site would be the occasional delivery using a 15m semi to daily access by a 12 tonne truck.
- 8 The existing fence consists on a 1.8 metre ring-lock fence with a section facing Manning road having strands of barbed wire on the top. This fence will be

retained and the only upgrade would be to repair holes in the fence using similar materials.

Any inquiries regarding this matter please contact me on 9311 5828

Yours sincerely

A handwritten signature in black ink, appearing to read 'I. Culling', with a large, sweeping flourish extending to the right.

Ian Culling
Manager Power Division
Diamond Communications



KIDD & POVEY

Architects Planners Interiors

01 2004/03 city of south perth - planning application

13th December 2005

Christian Buttle
Team Leader, Planning Services
 The City of South Perth
 Cnr Sandgate St & South Tce
 SOUTH PERTH WA 6151



Dear Christian

Re: Planning Approval for Proposed Southcare Offices
Lot 342 (No 53) Bickley Crescent, cnr Manning Rd, Manning

In discussions with our client and taking into consideration your response to our initial proposed development for the above mentioned site, we have been advised to continue with an application for planning approval. There are a number of issues, which were raised at our initial meeting, which we have addressed and responded to. We have also attached a letter from Southcare which also addresses some of these issues.

1. **Use of the Building** – While the primary use of the building is offices for Southcare Inc we believe that the building fits within the definition of 'Religious Activities'. We would direct you to the letter from Southcare to explain their association with the Manning Uniting Church.
2. **Siting of the Building** – With regards to the setbacks outlined in the Town Planning Scheme we have nominated Bickley Crescent as the front boundary and Manning Road as the side boundary. We understand that the building crosses these minimum setbacks and our reasons for this is that we believe it is the best location for the development to ensure access, parking and orientation. As Manning Road is a major road and we don't have access to our site from this road we believe that crossing the minimum setback shouldn't be a problem. We will have an 1800mm high brick screen wall along the Manning Road boundary as well. In your initial correspondence you stated that if the building displays a residential feel as opposed to commercial or institution feel that the setbacks have the capacity to be approved. We have taken this into consideration and have designed the building to have a residential feel to also link in with the surrounding streetscape. We have also situated the building in its location for maximum northern light and access for on-site parking which will be discussed in point 3 below.
3. **Parking** – We believe that while the building is classified under 'Religious Activities' the nature of the building is to be more of an office building as opposed to a church hall where large numbers of people would need to be accommodated. The bays needed for office use is 1 per 25m² which equates to 11 bays on site. Currently we have 14 bays on site which satisfies that requirement.

It is our understanding that the street is to be modified and additional street parking be added. We believe that under circumstances where the training/conference room is in use the number of people on site would be increased and therefore the additional street

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Director
 Graham Povey
 mob
 Consultant
 Brian Kidd
 08, 9433, 9473, 09100, 9388



KIDD AND POVEY PTY. LTD.

ABC 30 00 011 PM
AEC 00 00 011 PM

parking bays can accommodate this increase. Currently the street has 12 designated street bays located primarily for the church building. With the proposed modifications to the street this will increase to 31 designated parking bays (see SK.01), which we believe will more than accommodate the increase in cars due to our development. There is also the ability to park at Southcare's existing offices located across the street if these training/conferences were after hours or if the room was being used by the church.

4. **Vegetation** – According to the TPS we are to provide 25% of landscaping which we have provided and will endeavour to accommodate shade trees to parking and gardens areas to improve the aesthetics of the site. We were asked to keep the Jacaranda tree located at the frontage to Bickley Crescent. To do this we have modified our access to the site and this has also been a factor in the location of the building. The large tree to the adjoining neighbours property on Manning Road does not pose a problem to our development. In any case we believe that it helps with shading of our Western façade.

Thankyou for your time in assessing our development for planning approval. I trust we have addressed the issues raised and should you wish to further discuss these please fell free to call either Graham Povey or Damien Sita on 9328 5433.

With best regards

Graham Povey



Patron: Mrs Ruth Reid AM



54 Bickley Crescent, MANNING WA 6152

Telephone: (08) 9450 6233
Facsimile: (08) 9450 2324

13 December 2005

The Town Planner
City of South Perth
Cnr Sandgate St & South Tce
SOUTH PERTH WA 6151

Dear Sir

Re: 54 Bickley Crescent Building Approval

Please find below an outline of Southcare's current and proposed activities in support of the attached application for building approval.

1. Southcare

Southcare was established within the City of South Perth on 10th November 1982.

Southcare is a non profit Public Benevolent Institution incorporated under the Associations Incorporations Act 1987. The Australian Taxation Office has recognised our organisation to be an Income Tax Exempt Charity (ITEC) and a Deductible Gift Recipient.

Our organisation specialises in the delivery of services to aged and disadvantaged people. A key goal of services that we deliver to aged people is to assist them to remain in their own homes and independent for as long as is practicable. Our services to disadvantaged people aim to help empower them and assist them to resolve life issues they may be confronted with.

Providing Caring Services in the City of South Perth

*Aboriginal Eldercare*Aboriginal Family Support*Activity Centre for Frail Aged People and Younger People with Disabilities*Community Visitors Scheme* Community Aged Care Program*Dementia Respite Centre*Emergency Relief *Financial Counselling*Information and Referral*Low Cost Food Store *Recycled Clothing and Household Goods*Home Support

www.southcare.org.au

Programmes delivered by Southcare include the following:

- Emergency Relief
- Financial Counseling
- Low cost food outlet
- Aboriginal family support
- Activity center for frail aged
- Activity center for young people with disabilities
- Recycled clothing outlet
- Community visitors scheme
- Dementia respite center
- Home support
- Volunteer programme
- Social Support and transport
- Carers support and respite
- Work for the Dole activities

Evaluations of our services indicate that people who access them appreciate our community setting, the option to access a number of services in one locality and our discrete service delivery. In combination these aspects of our service reduce stigma for aged and disadvantage people seeking help and assist them to easily and cheaply access the key services they require, often at the most basic level.

2. Religious Activities

Southcare has maintained strong links to the Manning Uniting Church and other major Churches in the local area throughout our organisation's life span. Southcare's genesis is a consequence of an initiative of the local Uniting Church.

These ongoing links are demonstrated by the following:

- Ongoing Church representation on Southcare's governing bodies;
- Ongoing Church influence over Southcare's strategic development;
- Adherence by Southcare to Christian principles and practice;
- Co - use of existing land and buildings within the control of both the Manning Uniting Church and Southcare;
- Long term formal commitment to support of Southcare's activities by the Church (eg long term lease arrangement);

Providing Caring Services in the City of South Perth

*Aboriginal Eldercare*Aboriginal Family Support*Activity Centre for Frail Aged People and Younger People with Disabilities*Community Visitors Scheme* Community Aged Care Program*Dementia Respite Centre*Emergency Relief*Financial Counseling*Information and Referral*Low Cost Food Store *Recycled Clothing and Household Goods*Home Support

www.southcare.org.au

- Southcare's constitutional commitment to Christian principles. This is demonstrated by the following clauses in Southcare's constitution:

1. OBJECTIVES

The Association is motivated by Christian caring and modelled on Christian Principles providing emergency relief and caring services principally in the City of South Perth or as determined by the Executive Committee.

- (a) *To stimulate the development of a caring community in which fellow members of the community care for and assist one another;*
- (b) *To provide caring services for those who are disadvantaged by age, sickness, handicap, unemployment, poverty, social or familial stress or other circumstances and assist them in increasing their control of the circumstances in which they find themselves,*
- (c) *To bring together volunteers from within member organisations and elsewhere to participate in the delivery of appropriate services,*
- (d) *To make services available to all members of the community.*

The proposed building is intended to be available to the Church for religious activities as may be required.

The spiritual well being of people that Southcare services is recognised and responded to by our Board, staff and volunteers. This practice will continue in regards to people seeking Southcare's assistance at the proposed building. This responsiveness may include:

- Similar activities to those undertaken at 51A Bickley Cres;
- Linking people to pastoral and religious care;
- Conducting religious services in association with the Churches linked to Southcare through its Board members who represent the Churches in the South Perth City Council area;
- Enhancing personal spiritual growth through practice (reading, reflection, meditation, prayer and contemplation);
- Peaceful endeavor that recognises individual spirit and inner being;
- Participating in religious events at key periods of the year;

Providing Caring Services in the City of South Perth

*Aboriginal Elderscare*Aboriginal Family Support*Activity Centre for Frail Aged People and Younger People with Disabilities*Community Visitors Scheme* Community Aged Care Program*Dementia Respite Centre*Emergency Relief*Financial Counselling*Information and Referrals*Low Cost Food Store *Recycled Clothing and Household Goods*Home Support

www.southcare.org.au

- Assisting with the distribution of aid to disadvantaged people in accordance with the Church's mission. This aid may include food and clothing;
- Collecting donations and gifts for the benefit of disadvantaged people;

3. Other Activities on Site

It is intended to deliver the following services within the proposed building:

- Advocacy services;
- Financial counselling services;
- Family counseling services;
- Volunteer coordination;
- Carer rostering;
- Guidance services;
- Interview and assessment services;

Delivery of these services will mostly involve individual meetings between staff, volunteers and people seeking assistance.

Larger spaces within the building may be used as meeting areas for Southcare volunteers and staff (both formal and informal eg lunch room, sick bay) as well as the conduct of religious services from time to time.

South Perth Lions Club and the Rotary Club of South Perth support our proposal.

I look forward to your favourable consideration of Southcare's building application and receiving written approval in the near future to proceed with construction.

Yours sincerely



Graham Hope
CEO

Providing Caring Services in the City of South Perth

*Aboriginal Eldercare*Aboriginal Family Support*Activity Centre for Frail Aged People and Younger People with Disabilities*Community Visitors Scheme* Community Aged Care Program*Dementia Respite Centre*Emergency Relief *Financial Counselling*Information and Referral*Low Cost Food Store *Recycled Clothing and Household Goods*Home Support

www.southcare.org.au

SOUTHCARE INC



54 Bickley Crescent, Manning WA 6152
Tel: (08) 9450 6233 | Fax: (08) 9450 2324

12th November 2007

Mr Christian Buttle
Manager, Development and Assessment
City of South Perth
Cnr of Sandgate St and South Terrace
SOUTH PERTH WA 6152

CITY OF SOUTH PERTH	
16 NOV 2007	
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	File <input type="checkbox"/>

Dear Christian

Re: Lot 342 (No. 53) Bickley Cresnet, Manning

On behalf of Southcare I would like to request that our planning approval for construction of a one storey building on the above property be extended for a further 12 months from 28th February 2007.

Extension of our existing planning approval will provide sufficient time for Southcare to finalise development of a two storey construction option it is considering, whilst maintaining existing planning certainty.

Should Southcare choose to proceed with a two storey building option and be successful in receiving the relevant planning approval, the planning approval for the current one storey option will of course be surrendered in accordance with the City of South Perth's processes.

I look forward to your favourable consideration of my request and receiving confirmation of your decision before 30th November 2007.

Yours sincerely

Graham Hope
CEO



Photo 1- Existing Carport located in front setback

Photo 2- Existing Outbuildings



Photo 3- Existing enclosed patio and outbuilding



Photo 3- Existing enclosed patio

Statement addressing clauses 1.6 and 7.5 of the City of South Perth Town Planning Scheme No. 6 and Policy P370_T “General Design Guidelines for Residential Development”

Clause 1.6 City of South Perth Town Planning Scheme No. 6

The carport is a replacement for a previous dilapidated flat roofed metal structure. The carport is a gabled design in harmony with the character of adjoining residential properties. It is a single carport to fit the existing gate and paved parking area.

The patio is at the rear of the property and cannot be observed from the street, thus not impacting upon the streetscape. The structure appears to have been at the property for decades and through many changes of ownership (without record of formal approval). The structure is unobtrusive and in better condition than the structures in the backyards of neighbouring properties. The structure uses neutral tones of construction (cream and clear colourbond cladding and green shade cloth). These match the main house structure which has cream rendered walls and green gutters.

Clause 7.5 City of South Perth Town Planning Scheme No. 6

The scale, form, height, bulk, rhythm, colour, orientation and construction materials of both the carport and rear patio are consistent with neighbouring properties. The setbacks from the street and side boundaries are greater than many neighbouring properties which have built carports on both boundaries. Similarly the patio is set well back from the boundaries.

Down pipes are the only exposed plumbing fittings on the external faces of either structure. Runoff is directed to maximize on-site infiltration and retention and will not be directed to the street drainage system.

There has been no change in the existing ground levels as a result of these structures and no impact on boundary fencing.

The ratio of paved to porous surface area has not changed as a result of the carport or patio structures and therefore little impact on the direct environment is expected. The carport provides additional shade to the front of the house from the afternoon summer sun which will help to reduce the cooling requirement.

Access and movement of pedestrians and vehicles to and from the property are not changed as a result of either structure.

Landscaping and trees will not change as a result of either structure. The location of trees above 2m on the property and adjoining properties along the boundaries are shown in the site plan. Windows of adjoining properties do not overlook either structure which are also well screened by fencing and trees as shown.

Policy P370_T “General Design Guidelines for Residential Development”

3. Streetscape Character

The carport enhances the streetscape character through being of a similar gabled design to the carport of the adjoining property and using the same material of construction (wooden structure with colourbond roof). This creates design compatibility.

5. Additions and Alterations to Existing Buildings

The colours of the carport are in harmony with the existing house (Heritage red roof and decorative lattice match the roof of the house, the heritage green wooden structure and gutters match the gutters and verandah of the house and the cream decorative features match the cream render of the house.

6. Building Form and Site Planning

Please refer to attached drawings. There has been no cut of fill for either structure. The block remains at its original level and is, for all intensive purposes, flat.

7. Solar Orientation

The house was built in the early 1950's and as such offers little to take advantage of the solar access principles. The rear patio improves the solar aspect of the rear of the property which faces NE by providing a north facing private open space to capture the winter sun while shading the main house from the summer heat.

8. Landscaping / Tree Preservation.

There is no impact to landscaping or trees on this property, the verge or adjoining properties.

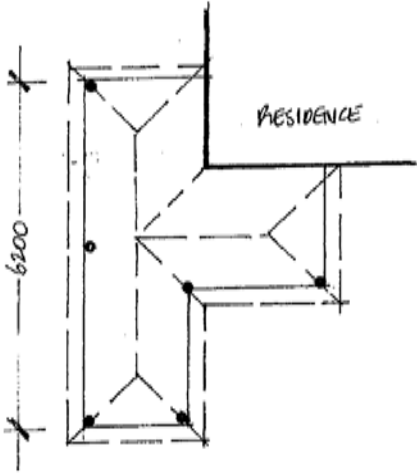
10. Water Sensitive Design for on-site drainage

Runoff from the carport and patio is directed to maximize on-site infiltration and retention and will not be directed to the street drainage system.

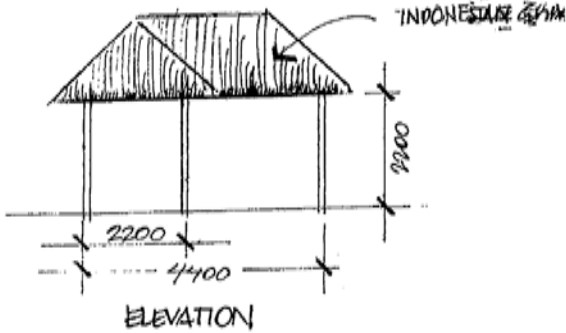
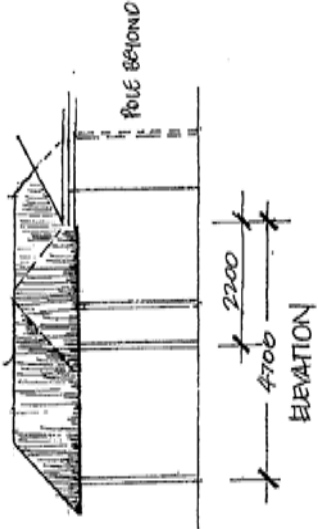
11. Parking

There is no impact / change to the parking on the property.

PROPOSED PATIO: G. & T. OWENS
49 EDGE CUMBE ST
COMO WA 6152



PLAN 1:100



Matthew John Buggins
MBA, BSc CPPEng
Chartered Professional Engineer
Membership No. 454308

[Handwritten signature]



Photo 1- View from 49 Edgcumbe Street, Como



Photo 2- 49 Edgcumbe Street, Como

PO Box 429
Midland WA 6936

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www.plancheck.com.au



Your ref:
Our ref: COU00107-02

Chief Executive Officer
City of South Perth
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Dear Sir

Planning Application (Change of Land Use)
Lot 51 (123) Melville Parade and (3) Eric Street, Como

Plancheck acts on behalf of the owners of above properties and submits this application on their behalf. This site comprises of two buildings, a building currently used for retail purposes and a dwelling at the rear of the property. In summary, this application is seeking planning approval to change the use of the buildings currently used for retail and residential purposes for office use.

Please find enclosed:

- Application form & fee
- Site Location Plan and Aerial Plan
- Photos of the surrounding on-street car parking

Site Location

The site is located on the corner of Melville Parade and Eric Street in the suburb of Como on the eastern side of the Kwinana Freeway.



Current Land use

The property is located within the '*Neighbourhood Centre Commercial*' zone as identified under the City of South Perth Town Planning Scheme No. 6.

The subject property is approximately 1340m² in size and consists of two buildings – a two storey building on the corner of Melville Parade and Eric Street currently used for retail purposes as a second-hand shop and a single storey residential dwelling fronting Eric Street. The buildings are located at each end of the site, which leaves an area in-between for parking. The dwelling has its own attached car parking bay. The total floor space of the main two storey building is approximately 800m² and the dwelling is approximately 120m².

According to information from an archive search of the property by the City of South Perth the last known approved use of the site was for showroom/warehouse in 1990. The current Town Planning Scheme identifies showroom as a 'D' use. Originally there were two residential duplexes on the site and only one of the duplexes currently exists on the site.

Proposed Land Use

It is the intent to change the two storey building from its current use of retail to office. It is also intended to change the existing single storey residential building from its current use of residential to office use.

According to the City of South Perth Town Planning Scheme No. 6 'Office' use is a 'D' use in the Neighbourhood Centre Commercial zone.

Surrounding Land Use

The site is located adjacent to offices to the south, residential/commercial uses to the east, Kwinana Freeway to the west and a park to the north.

The site is generally surrounded by a mixture of residential and commercial activities, with several offices located to the south of the site.

Physical Change

No internal or external changes to the main two storey building structure are required or desired by the landowner. It will be up to the new tenants to seek approval for any internal fitout once approved for office use.

Some cosmetic work may be required for the residential dwelling to better suite an office use including providing adequate parking area for the site. A separate application for any structural changes to the residential dwelling will be made at a later stage.

It is proposed to replace the existing signage on the building with signage relating to the activities within the offices. A separate application by the owner and/or leasee will be made once the change of use has been approved.

Town Planning Scheme No 6

According to the City of South Perth Town Planning Scheme No. 6, the site is located within the *Neighbourhood Centre Commercial* zone. In this zone, an *office* is classified as a *discretionary use (D)*. Given the type of uses in and around the site it is considered that the proposed office use complies with the use-class requirements of Town Planning Scheme No. 6.

The only issue that would need to be resolved is car parking. However, given the large amount of untimed and unsigned street car parking adjacent to the site it is considered that any issue of car parking can be easily resolved. This issue is discussed further below.

Car Parking requirements

The City of South Perth Town Planning Scheme No. 6, Table 6 identifies 'Office' as requiring 1 car parking bay for 20m² of Gross Floor Area (GFA). Given that the two storey building has approximately 800m² of floor space, 40 car parking bays and 4 bicycle parking bays need to be provided. There is currently space for 10 car parking bays for use by the main building. Therefore there is a shortfall of 30 parking bays.

The dwelling is approximately 120m² in size and based on a rate of 1 bay for every 20m² GFA will require 6 parking bays. The property has 1 parking bay currently used by the site to the west of the dwelling. The site can potentially provide 3 more parking bays to the east of the dwelling with access from the shared laneway (as shown on the survey diagram) that is currently used to access car parking area at the rear of 125 Melville Parade. Additional car parking can be provided with the removal of front verandah and/or rear patio however, it is considered removal of this would create an adverse impact on the visual amenity of the site and surrounding area.

It should be noted that there are a number of onstreet parking bays located on both Melville Parade and Eric Street. Details of the number of bays are identified in the aerial and table below.



Location plan of parking in the area (Scale 1:1000)

Street Parking Location		Type of Parking	Number of bays
A	123 Melville Parade Como	Onsite parking area	10 bays
B	Eric Street adjacent to the site	Unmarked parallel street parking	Approx. 20 bays
C	Eric Street adjacent to park	Unmarked parallel street parking	Approx. 6 bays
D	Eric Street adjacent to the park	Marked parking right angled street parking	25 bays
E	Toilet block/Park entrance from Eric Street	Marking parking bays for public toilets and park	11 bays
F	Melville Parade adjacent to site	Marked parallel street parking	7 bays
G	Melville Parade adjacent to Kwinana Freeway	Marked parallel street parking	26 bays
H	Melville Parade adjacent to Park	Marked parking bays	Approx. 45 bays
TOTAL AVAILABLE			150 bays

The above table demonstrates the amount of bays available in the immediate area. As can be seen on the aerial there is a large amount of vacancies of these parking bays.

Clause 6.3, section 4 of the City's Town Planning Scheme states that the Council may grant planning approval for a development with lesser car parking bays than that identified in Table 6 provided some requirements are met. More specifically, the Council needs to be satisfied that the proposed number of bays is sufficient, having regard to peak parking demands for different users on the development site.

A site inspection and survey was carried out at peak periods of the day and photos (attached) were taken. At most 25 bays were filled on Tuesday morning at around 10am and out of the potential 150 parking bays within the immediate area of the subject site (as identified in Table 1 of this letter). That is approximately 17% of the street parking bays where being used. Thursday afternoon at around 3pm 27 parking bays were used out of the potential 150 bays which amount to approximately 18%. As a result, there are sufficient bays available in and around the site to service the proposed office use.

The site survey also identified that a portion of the on-street parking along Melville Parade (between Kwinana Freeway and the subject site) is well used. However the majority of the on-street parking bays further along Melville Parade north of Eric Street and parking along Eric Street adjacent to the site and adjacent to the park (opposite the site) were available. The parking bays in and around the site are unsigned and untimed.

It is reasonable to assume that there will be sufficient vacant car parking bays on the street and on-site to service the proposed office use and address the on-site parking bay shortfall as required by the City of South Perth Town Planning Scheme No. 6 – Table 6.

Currently, the main two storey office is used as a second hand shop and is opened 7 days a week with a large truck parked at the site most of the day loading furniture for deliveries. There is also an additional larger truck that delivers furniture to the shop a few times a week. As a result there is constant traffic by customers 7 days a week. The change of use to office will result in the removal of the large trucks currently parked onsite and on the street for the existing shop use.

There maybe an opportunity to create more parking bays by demolishing the existing dwelling on the property. The demolition of the dwelling for a sea of car parking would create an adverse impact on the visual amenity of the area, particularly when viewed to the south with the adjacent sites rear car parking area. The current house provides a good visual screen of this large car parking area from Eric Street. Therefore it is proposed to retain the existing single storey residential dwelling but change the use to office. The dwelling would make a good office for a small business such as accountants, lawyers.

The previous use approved for the site was in 1990 as showroom/warehouse and the two storey building is currently used as a shop (second hand furniture shop). The City of South Perth Town Planning Scheme No. 6 does not identify any parking requirements for showroom/warehouse use. Should this application be for the shop, under the current Town Planning Scheme the site would also require 1 bay for every 20m² of GFA as would the office.

As a result it is considered that no further impacts of the proposed office use would be posing than already exists with the shop use. The existing shop works well with the parking spaces available on the site and on the street. If anything the change of use will improve traffic and parking situation in the area reducing the use from 7 days to 5 days.

The adjacent park provides a number of parking bays for its users however, during the week during normal office hours the park and its carpark is underutilised and as shown on the attached photo's the carpark is unused. The shop currently is open 7 days a week and the onstreet parking available is used by the shop as well as the park users. The conversion of the site to office use would mean that the weekend the parking spaces available can be solely available for park users when you would expect the park to be used the most.

There are still a number of onstreet parking bays located east and south east where there is more commercial/retail activity. A number of businesses including office and restaurant uses located at the intersection of Preston Street and Mary Street that do not provide sufficient onsite parking for staff and customers alike. For example 9 Mary Street, Como has a floor area of approximately 500-600 GFA which would required to provide between 25-30 car parking bays and only provides approximately 13 parking bays on site. However there is on street parking available which is utilised and seems to work quite well. The subject property has a larger proportion of adjacent on street parking and it is considered these are underutilised. It is therefore considered that the proposed office use both for the existing dwelling and the two storey building will pose no impact on the surrounding land uses regarding availability of car parking. In comparing the number of businesses and the number of onsite and onstreet parking at the intersection of Preston and Mary Street it is clear that the subject site has a larger number of parking available and less competing uses for it.

In addition, there is a bus stop between Eric Street and Preston Street on Labouchere Road that is located approximately 300 metres from the site. Therefore, public transport is available to staff/users of the office and is located within the 400 metre walkable pedshed (10 minutes).

According to the Property Council of Australia, Perth is experiencing a commercial/office space crisis with less than 3% available within the CBD. As a result, the proposed change of use to office will assist in provide good quality office space to the area and fulfil the need within the business community. The owner has already been approached by a number of prospective companies wishing to lease the premises as office space.

Summary

The application proposed to change the use of the site from retail to office use within a *Neighbourhood Centre Commercial* zone. This use is classified in Town Planning Scheme No. 6 as a *discretionary use (D)* within this zone.

In summary the following points are highlighted to demonstrate that the current onsite and onstreet parking available would adequately services all uses within the area.

- The Town Planning Scheme requires that the property provides 40 car parking bays for the two storey building and 6 car parking bays for the single storey dwelling.
- There is approximately 150 parking bays (on site and Melville Parade and Eric Street) located within the immediate vicinity to service all uses without conflict.
- The on street parking within the vicinity is underutilised during peak periods during the week.
- The proposal will see the existing 7 day a week demand for parking in the area removed and the office use will only require parking for 5 days a week therefore there would be no conflict with weekend users of the park for car parking space.
- The proposal will also see the trucks currently used for the shop removed
- Under the current Town Planning Scheme the current use of Shop requires the same amount of car parking requirements as an office use. The current car parking available onsite and on street services the current use well and it is considered the change of use to pose no additional adverse impacts to the car parking situation.
- More parking maybe made available by demolition the existing dwelling but this would pose adverse impact on the visual amenity of the street by providing a sea of carparking particular with the adjacent car parking area.
- The existing residential building provides a good visual screen of the adjacent car parking area from Eric Street and the Park.
- The landuses at the intersection of Preston and Mary Street including restaurants and offices seem to have limited onsite parking and have onstreet parking available. It is considered that many not to comply with the current requirements of the scheme in terms of on-site parking. However, they seem to work well with what is available.
- The two storey building requires no structural alterations and can easily be fitted out for office use.
- There are more business and activities on the intersection of Preston and Mary Street that have less available onstreet parking spaces than the onstreet parking spaces available for the subject site and its proposed office use.
- There is a public transport (bus) available on Labouchere Road that is located less than 300 metres from the site and is considered well within a 400 metre walkable catchment area.
- Recently, there has been a great demand for commercial/office space within Perth. Less than 3% of office space is available with the CBD and many businesses are seeking sufficient space in outer areas. The proposed change of use will therefore fulfil a need for business community in Perth.

The proposal will require additional car parking bays to comply with Town Planning Scheme No. 6. Currently, 10 parking bays are available for the two storey building and potentially 5 parking bays available for the existing residential dwelling (more if the verandah was demolished) and, considering street parking is not fully utilised during peak times of the day it is considered that existing on street parking can be utilised without impact on any other uses within the area. Additionally, the change in use will result in office buildings being closed for the weekends (as opposed to the buildings being opened on weekends while being used for retail purposes) and thus provide more street parking for other uses.

Based on the above, it is considered that there is sufficient parking bays available to services the site as an 'office' use both onsite and on street without conflicting other uses in the area.

It is therefore requested that this application be approved.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Helen Taylforth', is written over the typed name and title.

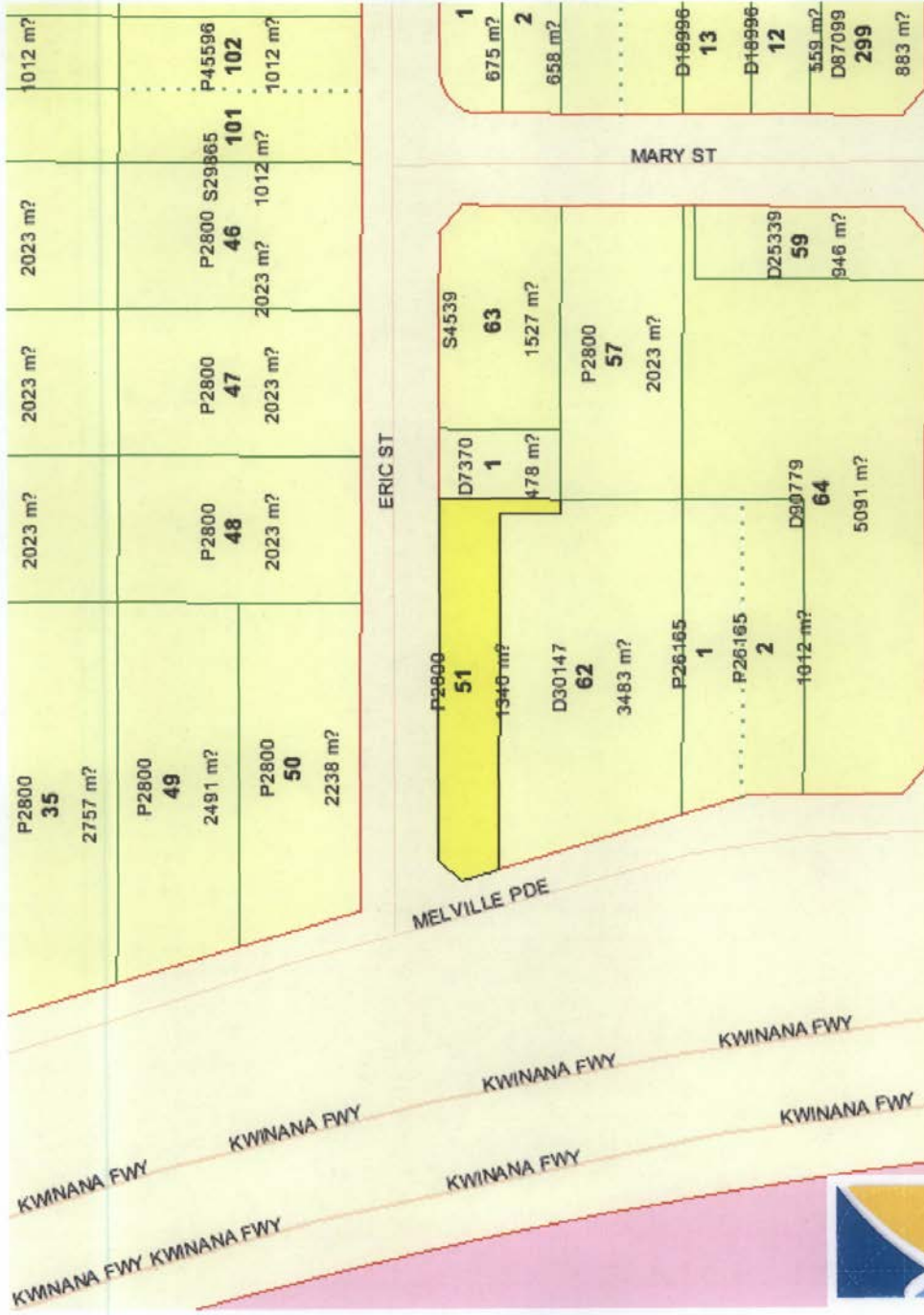
Helen Taylforth
PLANCHECK

11 September 2007

enc



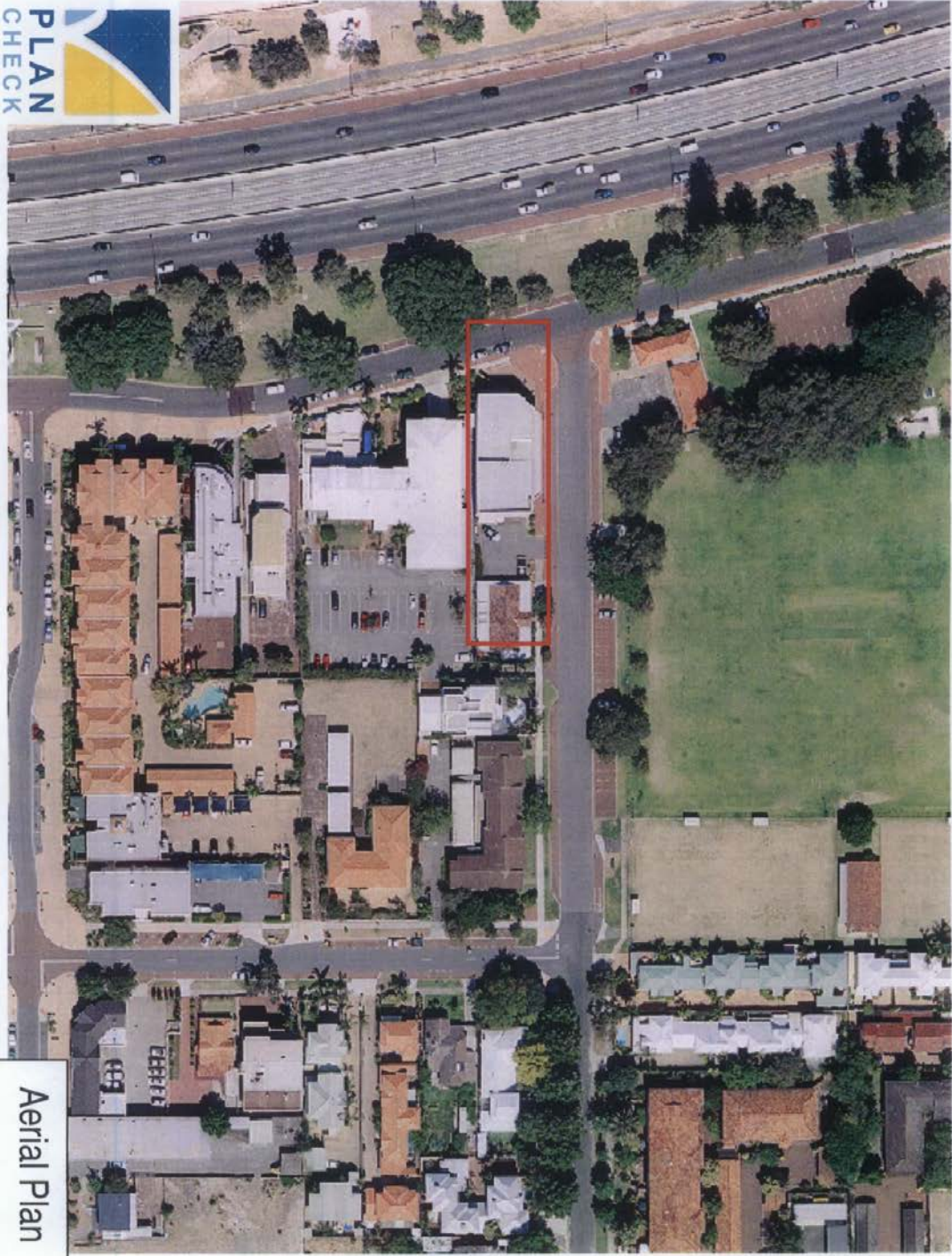
123 MELVILLE PARADE & JERICHO STREET,
CHARGE OFFICE - 123 MELVILLE PARADE & JERICHO STREET,
C/M/O



Site Plan

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Aerial Plan

Photographs of the site and surrounding onstreet parking



123 Melville Parade, Como (Tuesday 10am)



View from Eric Street of 123 Melville Parade, Como (Tuesday 3pm)



View of existing parking at 123 Melville Parade, Como (Tuesday 3pm)



3 Eric Street, Como (Tuesday 3pm)



View south of Melville Parade onstreet parking bays (Tuesday 3pm)



View south of Melville Parade onstreet parking from park carpark entrance (Tuesday 3pm)



View north of Melville Parade of park carpark area (Tuesday 3pm)



View to the West of Eric Street (Tuesday 3pm)



View to the east of Eric Street (Tuesday 3pm)



View to the east of Eric Street (Tuesday 3pm)



View to the west of Eric Street onstreet parking (Tuesday 3pm)



View north of Melville Parade from Eric Street (Tuesday 3pm)



View north of carparking area for public toilets (Tuesday 3pm)



View of park carparking area (Tuesday 10am)



View south of Melville Street Parade onstreet parking (Tuesday 10am)



View north of Melville Parade onstreet parking (Tuesday 10am)



View east of Eric Street onstreet parking ((Tuesday 10am)



View east of carparking area for public toilets (Tuesday 10am)



View north on Melville Parade from Preston Street (Tuesday 10am)



View east of Eric Street onstreet parking (Tuesday 10am)



View east of onstreet parking on Comer Street (Tuesday 10am)



View of adjacent office building (Tuesday 3pm)



Attachment 10.3.9(c)



HART ARCHITECTS

LEVEL 2, 132 MURRAY STREET PERTH W.A. | TEL: (08) 9326 6830 | FAX: (08) 9326 4886

Proposed Multiple Residential Development 52 Mill Point Road South Perth

Support Documentation for Development Application

Housing Density

The City of South Perth Planning Scheme No. 6 (the 'Scheme') Scheme Map – Zoning for Precinct 1 – Mill Point, shows the zoning of the site to be R80/100 Residential.

The proposed development has been submitted at a density of R100 as the following 4 Performance Criteria are met as required by Schedule 3 – Dual Density Codings of the Scheme.

1. Criteria (iii) *"The site accommodates or is adjoined on a least two boundaries by lots containing a purpose built office development."*
to which

Objective (c) adds *"OR The site is adjoined on at least one boundary by a non-residential use."*
The site is adjoined on its North boundary by a Water Corporation Pumping Station.

2. Criteria (v) *"At least 80% of the originally sub-divided lots on the same side of the street as the development site and within the same focus area:
(A) Have been sub-divided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or
(B)...."*

A survey of the focus area has determined that all lots have been redeveloped from the original single residential with multiple dwelling developments.

3. Criteria (vi) *"All occupiers' car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from the street."*

The proposed development fully complies with these criteria.

4. Criteria (vii) *"Visitors' car parking is provided in excess of the number of bays required by the Residential Design R Codes."*

The Residential Design R Codes (the "R Codes") P67 requires resident parking to a maximum of 2 bays per unit and not less than 10% to be visitors' bays. With a proposal for 10 units our visitors bay requirement is 2 bays. Our proposal allows for 3 visitors' car parking bays.

Site Area

The title for the site shows a site area of 1029m². However, a site survey has revealed an actual site area of 1031m². Surveyors plan (drawing No. 15429002 Rev B) from Links Surveying is attached.

The anomaly is the result of the original conversion from imperial to metric and the subsequent rounding of measurements.

The surveyed area of 1031m² has been used for all later calculations in this application.



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Front Setback

Table 2 of the Scheme for Mill Point Road (North of Judd Street and Harper Terrace) specifies of setback from the street boundary of 9.0 metres.

The proposed development is setback more than the 9.00 metres from the front boundary.

Building Height Limits

Scheme Maps – Building Height Limits for Precinct 1 – Mill Point Road of the Scheme shows a height limit of 24.5 metres for the site.

The natural ground level from which the Building Height Limits are measured has been determined by interpolation of the existing ground levels on adjoining lots.

The current levels on the site indicate that as a consequence of the demolition of the previous building and removal of rubble, soil was also removed and the site levels dropped below the natural ground level (Refer Survey Plan).

Attachment 1 is a typical cross section of the site showing adjoining lot levels and how the site levels has been reduced forming a hollow between the adjoining lots.

Based on this, a natural ground level of 1.80m AHD has been assumed for determining finished floor levels and building height limits.

To maintain the building height limit within the notional 25° hip roof shape as required by the Scheme Text 6.2, and achieve the roof/head height clearances for covered areas on the roof, the roof deck is split level with a lower central section. The notional 25° hip roof shape is shown on elevations and sections.

This has also resulted in handrails only needing to be set back around 350mm from the edge on the lower roof deck and around 1100mm on the upper roof decks.

Apart from the minor projection of around 300mm for the lift over-run, all other structures proposed are within the notional 25° hip roof shape projected from the Building Height Limit of 24.5m above natural ground level (i.e. 26.3m AHD).

Ground and Floor Levels

As explained above the assumed natural ground level (prior to demolition works) is 1.8m AHD.

The site will be filled to 1.7m AHD in accordance with the Scheme Text 6.9(1) and the ground floor and car park areas shall be 1.8m and 1.75m AHD respectively in compliance with the Scheme Text 6.9(2).

The lowest habitable rooms are on the first floor with a floor level of 4.8m AHD.



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Building Setbacks

At a preliminary meeting with the City of South Perth Planning on 15 June 2007, it was confirmed that the previously approved Development Application for the site, submitted by Hodge and Collard Architects, would not be renewed by the City as originally submitted because the Application does not comply with council policy with regard to plot ratio measurements.

It was also confirmed that the density zoning and building setbacks were not affected and would still comply.

This proposal's plan profiles and setbacks at each level have reflected those of the previous, approved Hodge and Collard Development Application on the site submitted on behalf of the previous owners.

On Attachment 2 the vertical profile of the proposed building is superimposed on Figure 3 of the R Codes. This shows the two main wall heights and the subsequent building setbacks.

Attachment 3 shows the setbacks for the proposed development and are discussed below.

Setback A is 2.344m which is the same as the previously approved Development Application. That proposal's roof deck level was 26.045m AHD. This proposal's upper roof deck level is 25.8m AHD and, therefore, assumes the same setback (2.344m).

At the Fifth floor the wall without major openings facing the boundary at Setback A is 7.8m long and 18.0m high. The required setback in accordance with Figure 3 of the R Codes is less than 2.00m.

At the Seventh floor the wall without major openings facing the boundary at Setback A is 5.5m long and 24.0m high. The required setback in accordance with Figure 3 of the R Codes is around 1.5m.

Therefore, Setback A at 2.344m complies with the R Codes.

Setback B is 4.000m which again is the same as the previously approved development. Also in line with the previous approved development, this proposal incorporates balconies and is adjoining a non-residential site (Water Corp Pump Station). Therefore, this proposed development assumes the same setback (4.00m).

Both Setbacks C and E comply with the requirements of Figure 3 being walls without major openings 0 – 9m long.

Setback D according to Figures 2D, 2E and 3, needs to be 8.5m. The length and location of this recessed wall is the same as the previously approved development. As this boundary adjoins a driveway providing the only access to parking for buildings to the South and rear of the site (East), this proposal seeks a reduced setback distance (up to 2.00m) in accordance with the R Codes – Element 3 Acceptable Development 3.3.1 A1(v).

Both setbacks F and G comply with the requirements of Figure 3

Setbacks H, J and K are for walls 0 – 9 m long (H & K) and 16 – 23 m long (J) without major openings and are 18m high.

All these Setbacks (H, J and K) comply with Figure 3 of the R Codes with a reduced setback concession for a boundary adjoining "a R.O.W. or the like", as provided in the R Codes 3.3.1 A1 (v) on page 58.



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On the Ground level all walls (facing boundaries) have no major openings.

The North elevation has a section of wall at ground level less than 9m long with a setback of 1.00m and a section around 24.0m long with a setback of 1.5m, all in accordance with Table 2a of the R Codes.

The setbacks on the East elevation at ground level exceed the requirements of Table 2a of the R Codes.

The setbacks on the South elevation at ground level includes a 19m long wall setback on average 1.50m which, complies with Table 2a of the R Codes, and a 16.20m length of wall on the boundary which complies with Acceptable Development 3.3.2 A2 (iii) of the R Codes being less than 2/3 of the side boundary behind the front setback.

All these walls on the ground level are proposed to be 3.5m or less. The wall on the South boundary will be 3.0m high.

Overshadowing

The overshadowing created by the abovementioned wall on the South boundary is shown on Attachment 4.

The shadow cast by this wall is less than 50% of the adjoining site, being the limit prescribed in Acceptable Development 3.9.1 A1 in the R Codes.

Open Space

The minimum Open Space required to satisfy Table 1 of the R Codes is to be 60% of site area.

i.e. 60% of 1031m² = 618.6m²

The proposed development provides the following Open Space

Ground Level	:	325
First floor deck	:	91
Roof decks	:	<u>205</u>
Total provided	:	621m ²

The areas included in the Open Space calculation are shown on drawing 0738DA01.

Communal Open Space

The Communal Open Space required to satisfy Table 1 of the R Codes is 16m² per unit.

i.e. 16m² x 10 apartments = 160m²

The proposed development provides the following Communal Open Space:

Pool area	:	72
First floor deck	:	143
Total Communal Open space	:	215m ²

The areas included in the Communal Open Space calculation are shown on drawing 0738DA01.

Note: A separate ruling has been sought regarding the provision of pergolas on the roof decks which incorporate balustrades at the edge of the roof (between pergola columns) in lieu of the setback required to satisfy the notional 25° hip roof profile. Should this request be accepted, the subsequent increase in Open Space will result in an adjustment in the area of the First Floor rear balcony to maintain Open Space and Communal Open Space requirements.



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Landscaping

Acceptable Development 3.4.5 A5 of the R Codes requires that a maximum of 50% of the Communal Open Space within the street setback is to be hard surfaced.

Drawing 0738DA01 depicts the area in question and establishes a hard surface of 12% of the total area.

Street Tree Clearance

The proposed development shows a 3.0m clearance between the centre of the existing Gum tree on the street verge and the nearest kerb of the new crossover.

A reduction in this clearance to 1.5m has been separately requested to facilitate improved driveway alignment and sight line safety at the crossover, and increase the landscaping on the site.

Car Parking

Private and visitors parking has been provided in excess of the requirements of the Acceptable Development requirements 3.5.1 A1 (iii) for Multiple Dwellings.

i.e. Maximum 2 bays per dwelling = 20 bays, and
not less than 10% of required for exclusive use of visitors
= 18 private bays and 2 visitors bay.

The proposed development provides:

20 private bays,
3 visitor bays.

The size of bays are in accordance with Schedule 5 of the Scheme and widened to 2.8m where a side adjoins a wall, fence, column or pier, in accordance the Scheme text 6.3(9).

In line with Council Policy, blind alley parking has been provided to 3.5m overall width at the Eastern end of the undercover parking.

Privacy

In accordance with Element 8 – Privacy, Acceptable Development Note iii, page 81 of the R Codes “these provisions apply only where the adjoining affected land is zoned to allow for residential development.”

Therefore, the Privacy Requirements of the R Codes don't apply to that part of the proposed development adjoining the Water Corporation Pumping Station to the North.

Similarly, the proposed development claims concessions to Privacy requirements on the South boundary as it adjoins a driveway down its entire length and this driveway provides the only access to development to the South and East.



HART ARCHITECTS

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Drawing No's. 0738DA02 and DA03 show how the proposed development complies with Element 8 of the R Codes and the subsequent R Codes Advise Note (Part 3 Element 8 – Privacy) Volume 2 Issue 1 September 2003.

As shown on the vertical cones of vision diagrams on drawing 0738DA03, from the 4th Floor balcony and above the lower extremity of the cones don't reach the ground and only the stairwells of the existing apartment building to the North fall within the vertical cones of vision at all levels.

Therefore, the proposed development includes 1650mm high vertical screens on the 1st, 2nd & 3rd Floors to maintain privacy for the pool area on the adjoining property to the North, and normal clear glass balustrades (i.e. no screens) on the balconies facing North on the 4th Floor and above.

These provisions comply with the Privacy requirements under Acceptable Development 3.8.1 A1 (iii) of the R Codes.

Plot Ratio

Table 1 of the R Codes allows a maximum plot ratio of 1.25 for R100 zoning.

The site area is 1031m² resulting in a maximum total of all floors of the building on the site (as defined on page 21 of the R Codes) of 1288.75m².

Drawing 0738DA04 depicts the applicable floor areas with shading.

In accordance with Council Policy, the applicable areas have been measured over walls, including stair and lift walls, where abutting apartments.

Vertical ducts within residential space are included in plot ratio measurements. Those adjoining communal foyers have been excluded from measurements.

Dedicated stores for apartments (on the First Floor) together with perimeter and dividing walls have been included in Plot Ratio Measurements.

Foyers to the two penthouses, having exclusive use, are included in measurements.

While the stairs to the roof deck are included in plot ratio measurements for the top penthouse, this proposal seeks exclusion of this area as the stairs will remain accessible for emergency services.

The total area for each floor and the whole proposal is shown in the following table:

Area of Site	:	1031
Plot Ratio	:	1.25
Maximum Floor Area	:	1288.75m²



HART ARCHITECTS

LEVEL 2, 132 MURRAY STREET PERTH W.A. | TEL: (08) 9326 6830 | FAX: (08) 9326 4886

Proposed Development :

Level	Applicable Area	Area Description
Ground	Nil	
1 st	42.25	Ten storage rooms for owners
2 nd	80.60	One – 2 bedroom apartment
3 rd	207.00	Two – 1 bedroom, and one – 2 bedroom apartments
4 th	264.50	Two – 3 bedroom apartments
5 th	264.50	Two – 3 bedroom apartments
6 th	207.50	One – 4 bedroom sub-penthouse
7 th	219.75*	One – 4 bedroom penthouse
Roof	1.89	One – WC & open roof + decks
TOTAL	1287.99m²	

*Includes common stair access of 11.16 m² which is the subject of a request to delete from plot ratio measurements.

Materials and Colours

The proposed construction method for the building incorporates the AFS LogicWall concrete panel system with a fibre cement external skin which will be painted with an off-the-roller textured finish.

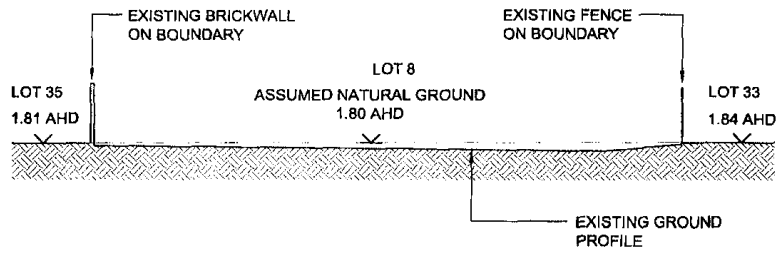
Other structural elements such as floors and columns will be insitu reinforced concrete with a paint finish.

Windows will be tinted glass in powdercoated frames.

Balustrades will be clear glass with stainless steel or powdercoated handrails.

As depicted on the Colour Board and coloured Front Elevation attached, the colours have been selected to reflect the natural off whites, fawns and taupes of the existing street trees. The tree shown as a backdrop to the Colour Board is located in the front of the proposed development.

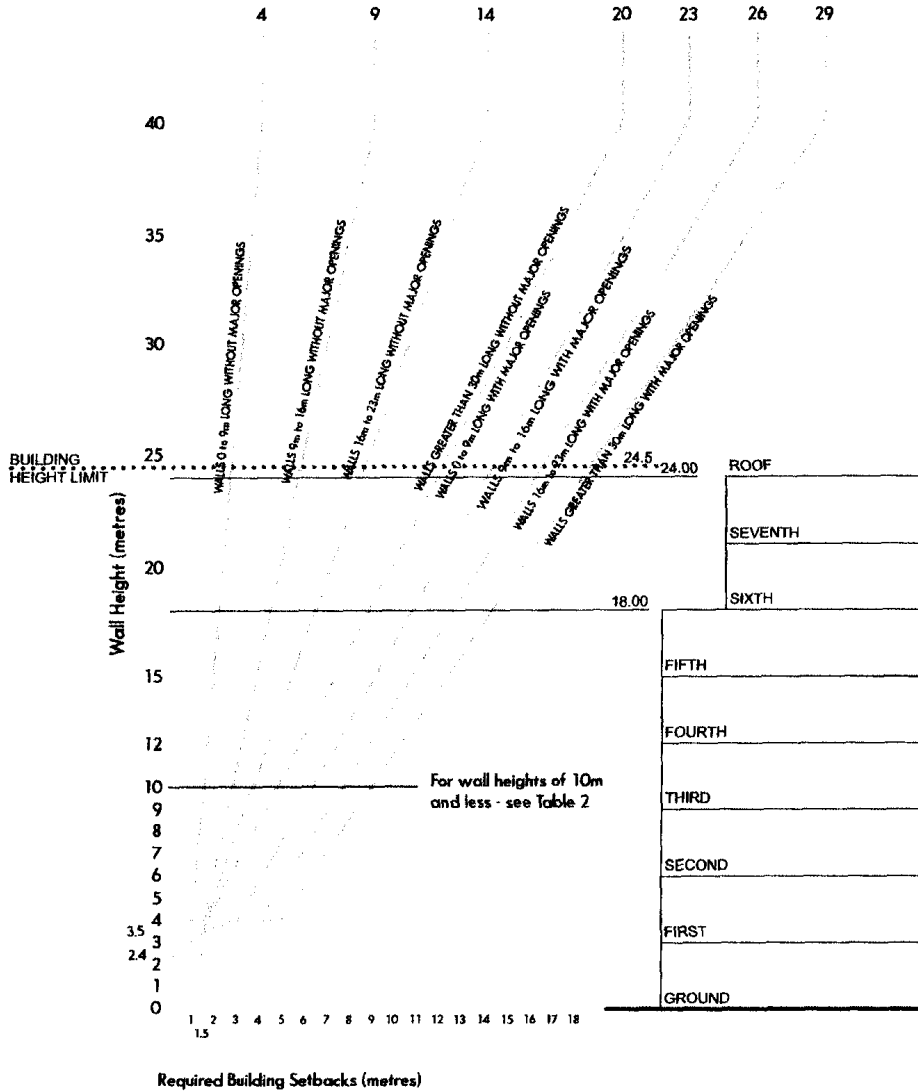
ATTACHMENT 1 :
TYPICAL CROSS SECTION THROUGH SITE SHOWING
DROPPED LEVELS DUE TO DEMOLITION AND ASSUMED
NATURAL GROUND LINE



DRAFT

ATTACHMENT 2 - BUILDING SETBACKS

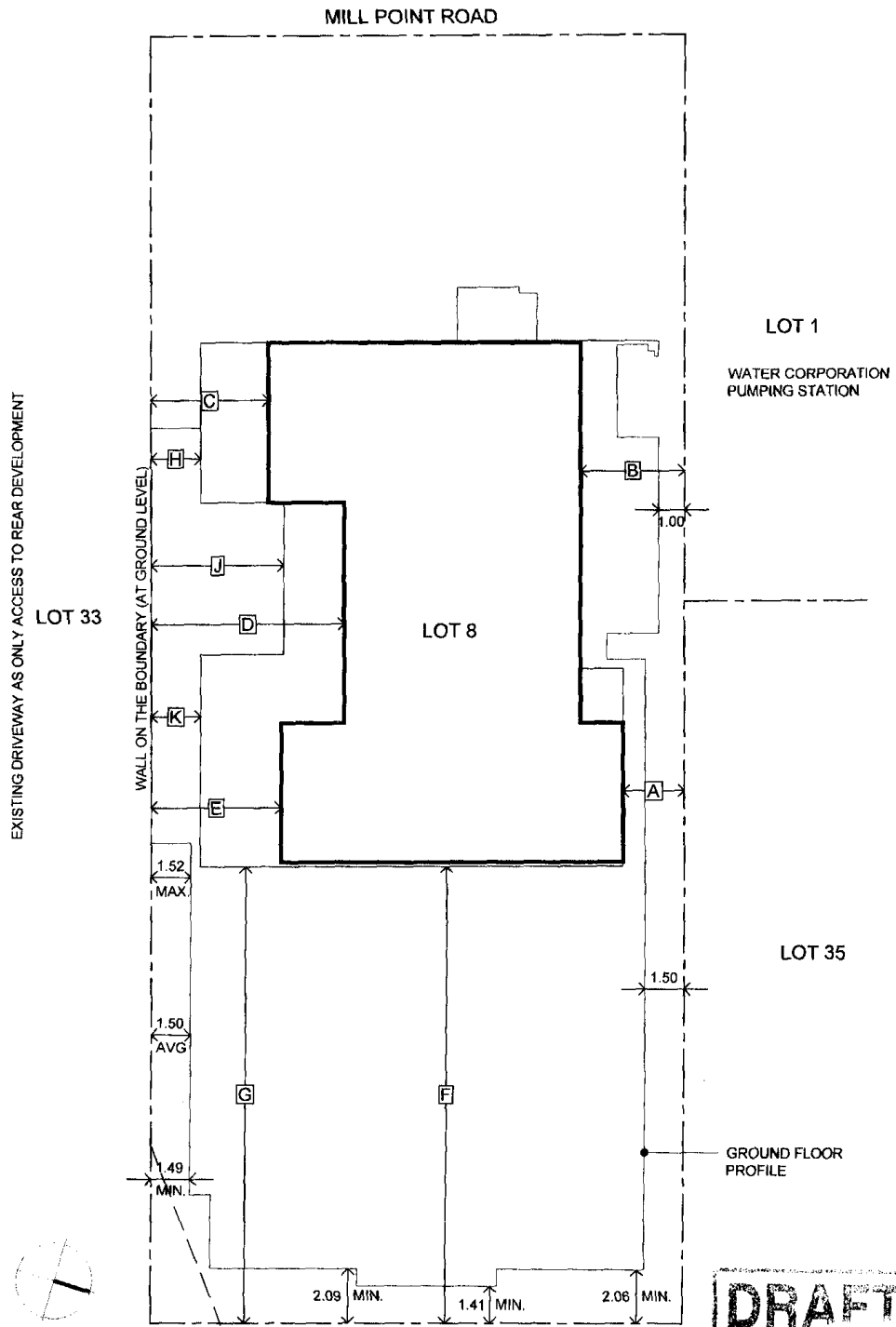
FIGURE 3: BOUNDARY SETBACKS



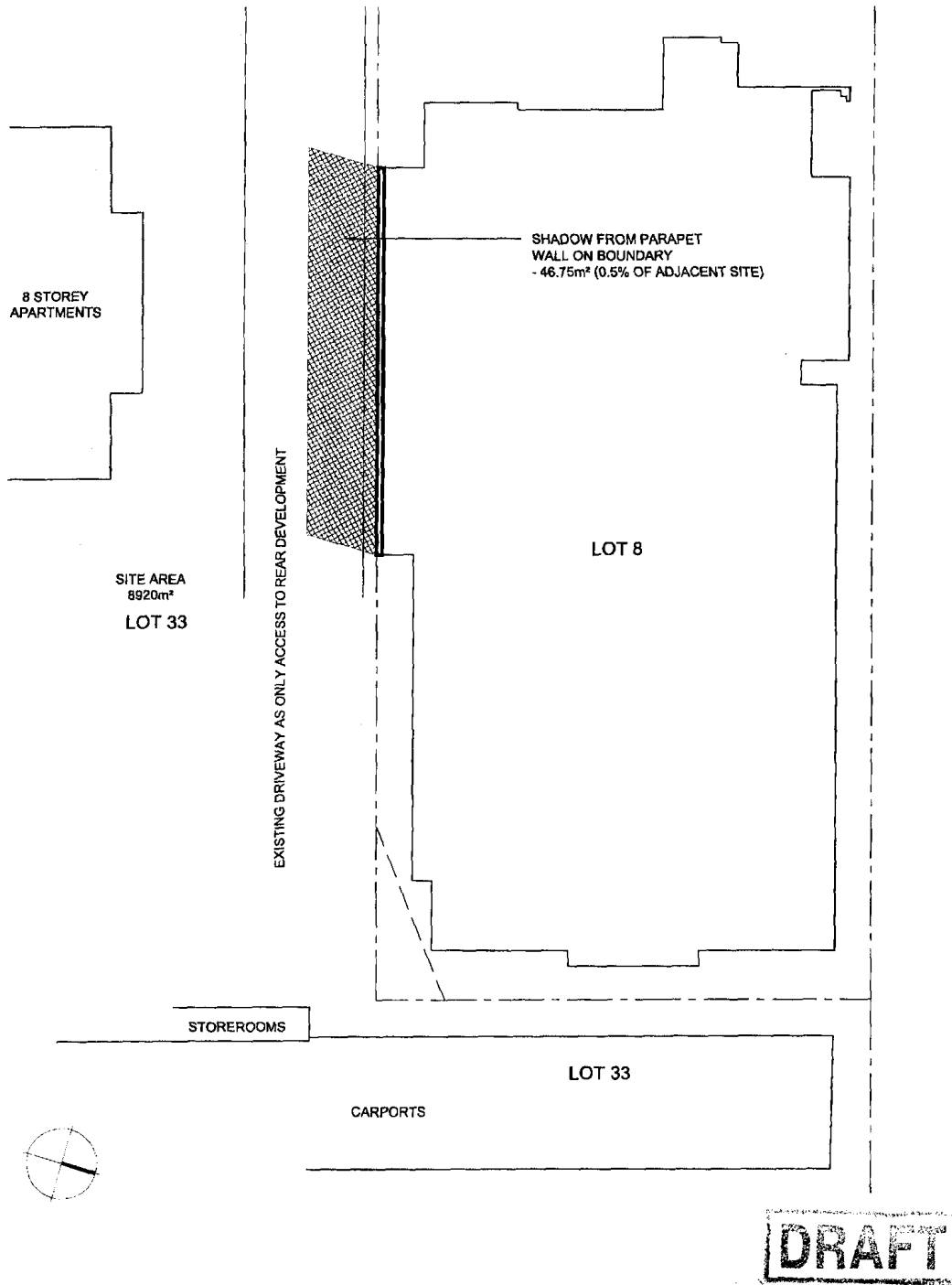
- Notes:
- Intermediate values for wall heights over 10m are to be obtained by interpolation



ATTACHMENT 3 : SETBACK DIAGRAM



ATTACHMENT 4 : OVERSHADOWING





Lot 8 (No. 52) Mill Point Road

Your Ref: 11.2007.451.1
Our Ref: JT1 2002 01127 V01
Enquiries: Kevin Purcher
Phone: 08 9420 2385 (Facsimile 08 9420 3193)



23 November 2007

Chief Executive Officer
City of South Perth
Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH, WA 6151

Attention of: Matt Stuart

**Re: Notice of Application for Planning Approval -
Lot 8 (No. 52) Mill Point Road, South Perth**

Thank you for your email received 23 November 2007. The Corporation offers the following comments in regard the revised proposal shown on Hart Architects plan No 0738SK01 – Revision G dated 22 November 2007.

Water

The subject area can be served from the Kewdale - South Perth water scheme. Reticulated water is currently available to the subject area.

Wastewater

The subject area can be served from the South Perth wastewater scheme. Reticulated wastewater is currently available to the subject area.

The subject site is located adjacent to the southern boundary of a Wastewater Pump Station site.

In this circumstance an easement shown on the above plan placed on the title to prevent any communal area being located in the buffer for this development and any future modifications is considered acceptable.

An alternative to the 70A notice on the title is that the body corporate shall establish a procedure whereby any odour issues experienced by the residents are dealt with in the first instance by the body corporate. The body corporate can thus determine whether the issue requires referral to the Water Corporation and coordinate this liaison. This requirement should be formalised in the corporate body constitution and the Water Corporation provided with contact details to communicate any maintenance activities which may affect the residents.

General Comments

The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water and Sewerage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded by the developer. The Corporation may also require land being ceded free of cost for works.

The information provided above is subject to review and may change depending on the timing. If the development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.

The Water Corporation will provide further comments at the building approval stage.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

Peter Howard
Land Planning Coordinator
Development Services

Michelle Johnston
36 Campbell Street
KENSINGTON WA 6151

November 24, 2007

South Perth City Council
Planning Department
Sandgate Street
South Perth 6151

CITY OF SOUTH PERTH		
27 NOV 2007		
Doc ID No:	
File No:	CA4/36	
Original To:	DA	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

Dear Sir/Madam,

RE: PROPOSED CARPORT AT 36 CAMPBELL STREET

We have submitted plans for the construction of a carport at the front of our property at the above address and have been informed by your planning department that regulations do not allow for this as we already have an existing carport at the rear of our property. We request special consideration of our situation for the following reasons:

- Planning approval has been granted for an addition to the rear of our existing home. This new extension, when finished, will occupy a large part of our back yard. The remaining space is mostly occupied by the existing carport leaving little room for much else. We enjoy outdoor living and look forward to establishing a garden in the back yard. These activities will be restricted by the existing carport.
- We hope to install a small swimming pool in the back yard on completion of the additions. This is unlikely to be an option if the existing carport remains.
- The plans submitted for the new carport indicate that the carport is of a tasteful design, in keeping with the style of our house and the style of the many carports in the front of homes in our street. We believe the new carport and the planned picket fence will enhance the façade of the house and the street.
- The majority of homes in our street have carports located in the front of their property. The house directly behind us, also on a street corner, has located their carport at the front of the house for similar reasons to us – to reclaim their backyard for use by people rather than cars.

It has been indicated to us the current carport design needs to be made slightly wider to meet council regulations. We are happy to accommodate this requirement if planning is approved.

Thank you for consideration of our request. Please do not hesitate to contact me if you require any further information to assist in your decision.

Regards,

A handwritten signature in black ink, appearing to be 'MJ' followed by a stylized flourish.

Michelle Johnston

PHOTOGRAPHS OF PROPERTY AT NO. 2 BOONGALA CLOSE, KARAWARA



View of rear portion of site proposed to accommodate the outbuilding.



View of rear wall of house which will face the shed.

PHOTOGRAPHS OF PROPERTY AT NO. 2 BOONGALA CLOSE, KARAWARA



View of the open space reserve looking towards No. 2 Boongala Close (short length of fence with varied heights).



Southern end of open space reserve, viewed from adjacent to the subject property.

PHOTOGRAPHS OF PROPERTY AT NO. 2 BOONGALA CLOSE, KARAWARA



View of the pedestrian accessway leading from Jackson Road to the relevant portion of open space reserve, looking southwards towards the reserve.

ENGINEERED FOR 41MPS - GARAGE (6.0m SPAN)

TYPICAL SECTION

Labels: FLY BRACING FROM BOTTOM CHORD TO ROOF PURLIN, 12° ROOF PITCH, PURLIN 100C10 OR UNISPAN 1.0mm AT MAX 1500 SPACING, ROOF CLADDING, GIRT 100C10 OR UNISPAN 1.0mm AT MAX 1800 SPACING, WALL CLADDING, COLUMN CAST INTO FOOTING, FOOTING REFER TO SPEC., 75mm FLOOR SLAB, GIRTS 100C10/UNISPAN 1.0mm, COLUMN CONNECTION.

PLAN

Labels: RIDGE LINE, TRUSS FRAME, ROOF BRACING, SLIDING DOOR, STANDARD GARAGES FITTED WITH 2 SLIDING DOORS, No OF BAYS = 6, LENGTH = 6000.

PROPOSED GABLE ROOF GARAGE FOR: PETER HOWAT

SITE LOCATION: 2 BOONGALA CLOSE - KARAWANA 6152

MATERIALS SPECIFICATION	
HEIGHT	3.6m TO 4.2m
BOTTOM CHORD	50x50x3.0 L G300
TOP CHORD	50x50x3.0 L G300
WEBBING	25x25x3.0 L G300
END WEBS	40x40x3.0 L G300
FLY BRACE BRACING	25x25x2 L WITH 1xM12 BOLT
PURLINS	G550 STUD FRAME WITH 2x M12x20 TEKS EACH END
GIRTS	100C10 DR UNISPAN 1.0mm MAX SPAN 3000mm
COLUMN CONNECTION	100C10 DR UNISPAN 1.0mm MAX SPAN 3000mm
COLUMNS	40x40x4.0 L G450 WITH 2x M12x20 BOLTS
2100 HIGH	CODE 7 50x50x4 L G450 DURAGAL
2400 HIGH	CODE 8 50x50x5 L G450 DURAGAL
2700 HIGH	CODE 9 65x65x4 L G450 DURAGAL
3000 HIGH	CODE 10 75x75x4 L G450 DURAGAL
3300 HIGH	CODE 11 75x75x5 L G450 DURAGAL
3600 HIGH	CODE 12 75x75x6 L G450 DURAGAL
3900 HIGH	CODE 13 90x90x5 L G450 DURAGAL
4200 HIGH	CODE 14 90x90x6 L G450 DURAGAL
FOOTINGS	200x200x400 IF 75mm SLAB INSTALLED 200x200x600 IF NO FLOOR SLAB
OPTIONAL ITEMS	LOCATION AND SIZE TO CLIENT REQUIREMENTS ROLLER DOORS LOCATION AND SIZE TO CLIENT REQUIREMENTS WINDOWS LOCATION AND SIZE TO CLIENT REQUIREMENTS SKYLIGHTS LOCATION AND SIZE TO CLIENT REQUIREMENTS

END ELEVATION

Labels: 12° ROOF PITCH, WALL BRACING, F.F.L., G.L., HEIGHT.

SIDE ELEVATION

Labels: DOOR AND WINDOW LOCATIONS AS REQUIRED BY CLIENT.

CLADDING - TRIMDEK DR CUSTOM DRB TO MANUFACTURERS SPEC.
FLASHINGS - EX 0.6mm THICK
FRAMEWORK - FINISHED IN GREY PRIMER PAINT
PURLINS/GIRTS - TO MANUFACTURERS SPEC.
DOOR FRAME - 30x30x1.6 GALV RHS
DOOR TRACK - ELTRAK 200Kg SYSTEM
EAVES BEAM - 6000mm SPAN 250C19
ROOF PITCH - 9000mm SPAN 300C30
BRACING - 12°
FLOOR - MAX 3 BAYS UNBRACED IN ANY WALL
CONCRETE TO CLIENT SPEC. - MIN 75mm THICK

TERRAIN CATEGORY - 3
WIND SHELTERING - 1
IMPORTANCE LEVEL - 1

STRUCTURAL ENGINEER
 EDWARD D. PROTT
 11 BURNFIELD PL, SUTHERLAND NSW 2234
 02 9511 2177
 02 9511 2178

DRAWING No: 83016
 DATE: 28/7/07 REF: REV 8 29/11/04

HIGHLINE
 8 BAYLY WA, THE BAYLY WA 6155
 TEL: (08) 943 2000
 FAX: (08) 943 2177
 GARAGES • BRACES • FACTORS • BRASS • COMPANION • CONCRETE

The CEO
Mr Cliff Frewing
City of South Perth Council
Civic Centre
Sandgate St / South Tce
S Perth WA 6151

2 Boongala Close
Karawara
WA 6152

**PROPOSED OUTBUILDING – Lot 200 (No.2) Boongala Close, KARAWARA
APPLICATION NO. 11.2007.453**

Dear Mr Frewing

I have been advised to prepare this submission in support of my application, above* originally submitted to your Council in late August 2007. I am concerned that my application has been delayed because it apparently does not meet unusual rear setback requirements of 3m.

This application seeks the Council's approval for a variation for the rear setback for the proposed outbuilding to be 1.0m in lieu of 3.0m, as prescribed in the South Perth Town Planning Scheme No. 6, clause 4.3(i)(e).

I was not aware of this peculiar requirement (that is specific to parts of Karawara) when I purchased the property, and planned a new house (recently constructed) and the outbuilding (shed) that would be located unobtrusively behind the house on the rear of the block.

Further delays to the construction of the outbuilding will continue to delay the installation of landscaping / lawns and paving. In addition my vehicles will have to be parked on the road side (creating a potential traffic hazard) as the garage currently contains the tools, other materials and a weight training machine that will be moved to the new outbuilding.

I have been referred to Report #9.0.1 December 19, 2006 Ordinary Council Meeting: 'Proposed Amendment No.8 to Town Planning Scheme No. 6 relating to certain development provisions in the 'Karawara Special Area'.

The Report summarise the history of Karawara, an experimental community plan based on the 'Radburn' model. The original objective was very commendable – to create open space parkland public footway reserves and playgrounds. But ultimately after 30 years it was 'not a great success' largely due to the transient nature of the population. (Even today, despite the proportion of Homeswest housing decreased to 11%, there is still a significant transient population due to the large number of rental properties).

As part of the 'experimental' regulation revised in 1998(?) in TPS5, a 7.5m setback was required of all outbuildings, which was subsequently revised to a minimum of 3.0m with TPS6 in 2003. Strangely, there is also some mention that no outbuildings should be erected between a dwelling and open space reserve; but would be permissible between dwelling and street.

On page 15 the Report recommends that the TPS6 be amended to reduce the setback to 1.0m where a proposed building ‘abuts a narrow portion of an open space reserve which has the character of a pedestrian access way (which is the situation in our case); and which has a ‘ wall with no major openings to a habitable room’.

On pages 13 -14 examples are provided of Council resolutions where a setback of 1.0m has been allowed (as I walk around Karawara I see many other outbuildings which must have also been given dispensation).

I believe that our request for a variation will also maintain the integrity of the Town Plan and in no way detract visually, or present a nuisance to neighbours or any others who are likely to be in the vicinity.

Our block adjoins a walk way that is a substantial distance from any open space reserve useable for recreation purposes (*‘abuts a narrow portion of an open space reserve which has the character of a pedestrian access’*)

Specifically our proposed outbuilding will be placed unobtrusively at the rear of our block.

- **The proposed location places it the greatest possible distance from both our house and our neighbours’.**
- **We are happy to reduce the roof height from 2.7m (as we originally requested) to the regulation height.**
- **Both properties either side have dense foliage of trees and shrubs that will virtually hide the outbuilding from the neighbours’ view plus that of the occasional user of the walkway.**
- **A line of sight will be maintained from our living room / kitchen windows and the rear fence. However, it is unclear why this should be an issue as with a 1.8 m high rear fence it is meaningless to have a clear view of it from the house. Indeed, in the absence of an outbuilding, we would likely fill the area with shrubs and trees which like many other blocks in the area, would obstruct a clear view from the house to the rear fence.**
- **While not desirable, we would be willing to accept the 3m setback for the outbuilding from the rear fence as a last resort. The disadvantage of this would be the creation of a wasted 3m strip between the outbuilding and the fence, and place the outbuilding closer to our and the neighbours’ houses.**
- **The rear of our block is the only logical location for the outbuilding. The only other vacant area is to the North of our house adjacent to the brick boundary fence in an area we are currently preparing for lawn and landscaping. It is the area that allows a view across to the Collier Park Golf Course from the living areas of the house (this view is the only reason we purchased the property). This latter location would be completely inappropriate as it is in effect the front yard of the property, and would detract considerably from the visual amenity.**

With respect to the Report #9.0.1 December 19, 2006 Ordinary Council Meeting, I believe its recommendations contribute substantially towards removing unrealistic and inappropriate building restrictions for Karawara, and could contribute to an improvement in the quality of the community.

I believe extreme care should be taken in resurrecting the 'Radburn model', and that a liveable and more appropriate neighbourhood structure could be achieved by implementing many of the recommendations of the Report. At present the large number of laneways and 'narrow portion, of open space reserve which have the character of a pedestrian access' are undesirable :they are seldom used by residents except for thieves and vandals escaping pursuit.(e.g. several new homes have had their windows broken by vandals during construction, including several thousand dollars of broken windows in our home. In this case, neighbours pursued the 3 children responsible, but they escaped down one of the laneways).

This might be achieved by only retaining the large open space areas and the main walkway linking them, plus the narrow laneways linking these large open spaces with the ends of the various cul de sacs. The other land (The narrow tentacles containing paths which connect to the perimeter road) could be blocked off and planted in trees and shrubs as a limited access 'green belt'.

In addition funds would be required to upgrade these open space areas so that they are attractive and useable.

I assume a community group of residents of Karawara would be established to advise the Council, and that a new survey / consultation be undertaken with the *residents* (rather than with absentee landowners) ?

In conclusion, I do have a genuine interest in the visual appearance and overall quality of the community where I live, and would be happy to join such a community group should I be invited.

Sincerely

**Peter Howat
9266-1719 w; 9450-5947 h; p.howat@curtin.edu.au**

9.0.1 Proposed Amendment No. 8 to Town Planning Scheme No. 6 relating to certain development provisions in the ‘Karawara Special Area’.

Location: Karawara
 Applicant: City of South Perth
 Lodgement Date: Not applicable
 File Ref: LP/209/8
 Date: 1 December 2006
 Author: Gina Fraser, Senior Planning Officer
 Reporting Officer: Steve Cope, Director, Strategic and Regulatory Services

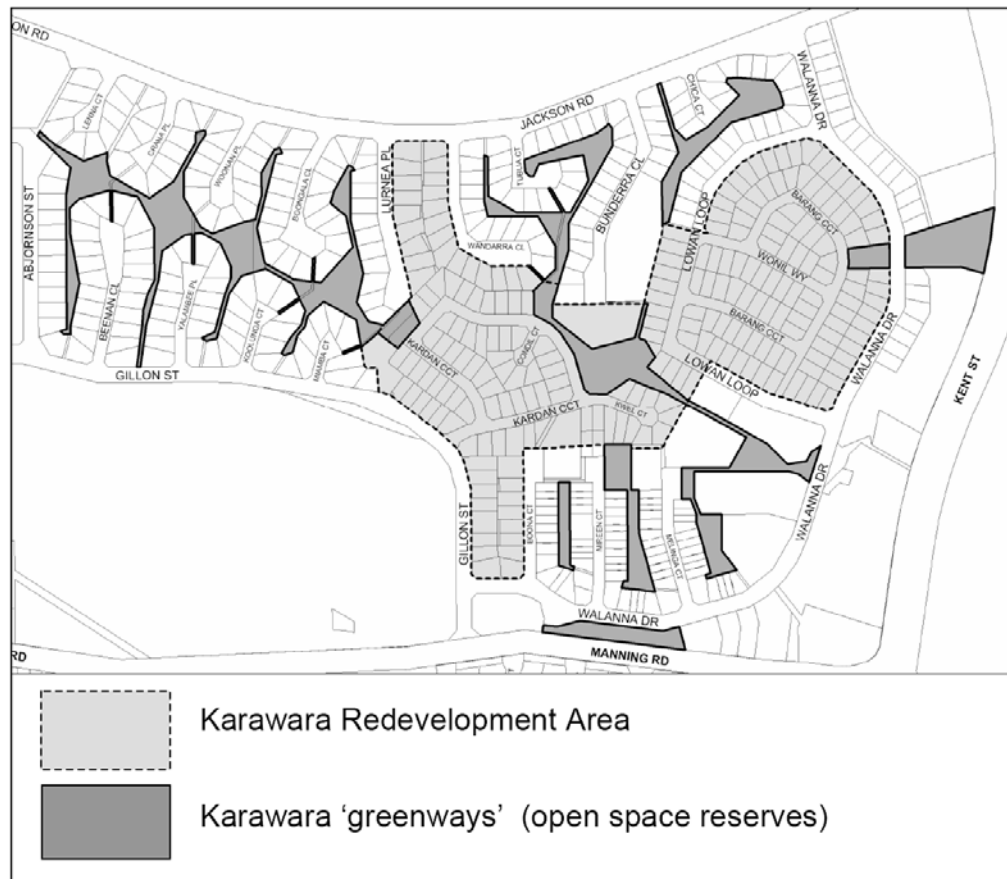
Summary

The Council has resolved that an amendment to Town Planning Scheme No. 6 be prepared for the purpose of relaxing certain setback requirements for development adjacent to open space reserves in Karawara, subject to the provision of visually permeable portions of fencing adjacent to the open space reserves. This report describes the background to the issue, and recommends that a Scheme Amendment be initiated to meet six identified objectives.

Background

Before discussing the purpose of this proposed Scheme Amendment, to enable the proposal to be considered in the proper context, this section of the report outlines the broad principles behind the unique subdivision design of Karawara and the statutory controls which were devised to preserve the character of this locality.

The Karawara estate is shown below. The area currently referred to in TPS6 as the Karawara Redevelopment Area, and the system of ‘greenways’ or open space reserves which form a network, are referred to extensively throughout this report. Both are shown on the following plan:



Planning Principles relating to the Karawara subdivision design

The Karawara estate was designed in the early 1970s. The subdivision layout was designed along different principles from other parts of the City, modelled on the 'Radburn' principle. Radburn, New Jersey, was an experimental 'New Town' designed in 1929 to accommodate a modern, safe lifestyle for the 'motor age'. It was ahead of its time to the extent that its main principle was the separation of pedestrians and vehicles, at a time when motor vehicles themselves were still relatively new and experimental. Today, Radburn still operates successfully, as do many other residential areas following similar design principles around the world.

The land occupied by Karawara once formed part of the Collier Pine Plantation. The subdivision was a State Government initiative, originally accommodating both Homeswest and War Service Homes. The layout of the estate, based on the 'Radburn principle', was designed to segregate pedestrians from vehicles. Buildings were arranged in a series of cul-de-sacs within a 'superblock' encircled by perimeter roads. The lack of "through" roads enabled residents to walk to the nearby shops, community centre and Primary School without coming into contact with vehicular traffic. Special Town Planning controls for the area were introduced into the City's No. 2 Town Planning Scheme in 1973 as a means of preserving and enhancing the unique character of the subdivision. Similar provisions were perpetuated in TPS5 in 1985 and to a lesser extent in TPS6 in 2003.

The main principles of the design were explained to the residents in a brochure produced by the then City Planner in March 1979, in the following terms:

- *"Provide protection of pedestrians and cyclists from motor vehicles by completely separating vehicular (road) and pedestrian (footpath) systems in such a manner that no person would have to cross a street when walking (or cycling) within the locality to visit friends, school, civic centre or commercial centre.*
- *Every dwelling house and residential building to have a double frontage - one onto a road and the other onto an open space parkland, playground, a public footway reserve (referred to as a 'greenway') and to be provided with entrances identifiable by appearance as 'house front' entrances to both frontages for the reception of visitors arriving via the street or public footway system.*
- *Every dwelling house to be provided with open garden areas connecting to both street and open space (greenway) reserves.*
- *Town houses and residential buildings to be provided with open landscaped frontages capable of merging with the 'greenway' landscape.*
- *Securing harmony in building (including fencing) materials of adjacent development."*

The Karawara subdivision design based on the 'Radburn principle' was not a great success, however, for the public housing estate. After 30 years of a largely transient population, there did not appear to be a common understanding by residents generally that the area was intended to be 'different' from a standard suburban subdivision. Many residents regarded the open space reserves as a source of intrusion into their backyard privacy. In fact, the special design operates contrary to classic 'Australian back yard' expectations: utility areas are located along the sides of houses or between the house and the street, while the façade of each dwelling facing the open space reserve is intended to be treated as a more decorative frontage at least equal in this respect to the street façade. As a result of the confusion and lack of appreciation of the potential of the design, various elements of the Radburn principles have been relaxed or abandoned over the years.

In his July 1972 report to the Council on the proposed subdivision, the (then) City Planner reported:

“Having regard for the Site’s potential from regional and local aspects, it could be suggested that both the (State Housing) Commission and the Council should combine efforts towards developing the Koonawarra (Karawara) locality to such standards as will produce in every aspect, an environment comparable with, if not better than, anything which Australia as a whole has produced to date. The Site is deserving of such treatment.

This State is possessed of the Architectural and Planning forte necessary to achieve such goals. This has been demonstrated in the neighbourhood design and developments of Canberra’s Belconnen and other districts where W.A. Architectural abilities and skills have been recognised and engaged.”

The report recommended, among other matters:

- “1. Council give every consideration to accepting the ‘Radburn’ principles in the neighbourhood design of the Koonawarra (Karawara) locality and to accepting responsibility for development and maintenance of the ‘greenway’ systems, on condition that:

 - (a) The Commission is prepared to arrange for the leasing of the Service Station, Hotel and Shopping Centre sites, or part thereof, to ensure the immediate provision of such Community facilities and amenities as agreed between the Commission and Council.*
 - (b) A minor portion only of the locality being developed for Rental Scheme purposes.*
 - (c) Minor modifications being effected to the Scheme as submitted, particularly in the matters of road reservation and pavement widths, widths of greenways to ‘footway’ tentacles.*
 - (d) All single and duplex dwelling house properties being developed with double frontages - i.e. ‘frontal entrance’ being expressed in building design and site organisation from both street and internal footway approaches.*
 - (e) The Commission agrees to invite local Architects experienced in the site organisation and building design of neighbourhoods expressing similar principles to ‘Radburn’ to contribute alternative design proposals to assist in achieving development in every aspect of a residential environment, the equal of, or if not better than, the best example the country as a whole has to offer.**
- 2. If agreement is reached in respect of the foregoing, necessary Amendments be made to the No. 2 Scheme.*
- 3. Failing the reaching of agreement in respect to the foregoing, Council does not agree to the application of the Radburn principles to the site planning of the Koonawarra locality in the form submitted and that consideration be accorded to alternative proposals submitted by the Commission for traditional forms of development.”*

In 1972, the City’s initial support for the ‘experimental’ form of subdivision was given on the basis that all possible care and responsibility would be taken by all parties, including the City, to ensure its success. The main element of the subdivision is the greenway system, which adjoins most sites outside of the 1998 redevelopment area. Despite many years of neglect, an opportunity still exists for the greenways to again be fully recognised for their potential in the estate, if there is sufficient support within the Council and the community for this to happen.

Proportion of 'Public' v. 'Private' housing

Karawara was designed primarily as a public housing estate by the former State Housing Commission. The City's draft Local Housing Strategy for Precinct 11 – Karawara, prepared for TPS6 in 1996 by BSD Consultants, described Karawara in the following terms:

“Karawara was a public housing estate in the 1970's and today 80% of properties in the precinct remain in Homeswest's ownership. Accordingly, Precinct 11 is a relatively low socio-economic area and contains a high proportion of youth, although the numbers of older residents is increasing. The majority of the precinct's employed residents are employed in 'primary' industries as labourers and plant and machine operators.”

This relatively high proportion (80%) of government housing in the estate continued until about 1998, when Homeswest's major redevelopment program was implemented, and many of their residents were relocated to other parts of Perth - some twenty-six years after Karawara was established. In 2006, the proportion of public housing remaining in Karawara has been reduced to below 11%.

In 1972, however, the Council had indicated its objection to a high proportion of government housing. One of the City Planner's recommended conditions of support for the 'Radburn' subdivision design was that *“A minor portion only of the locality being developed for Rental Scheme purposes”*. The continued high level of relatively low socio-economic tenants in the area meant that, in many cases, the residents did not feel a strong degree of 'ownership' for their home or locality, knowing that they were 'short term occupants'. This might have limited their level of interest in, and understanding of, the philosophy behind the Radburn principles and their level of support for the area's unique qualities, leading to a decline in the maintenance of some of the features of the area, such as fencing.

Fencing

The original Karawara estate was designed and constructed in such a way that most house lots with a frontage to an open space reserve retained a portion of this setback area open to the greenway, both physically and visually, to enhance the feeling of openness provided by the reserves. General provisions were introduced into TPS2 in 1973 requiring Council approval of any fencing in Karawara. Without specifying any particulars, clause 5.37 of TPS2 required Council approval of fence heights and materials, and further required that gateways be provided for vehicular access from streets, that portions of lots not be enclosed or have low fencing, and that timber fencing be painted or sealed. No person was permitted to alter, or add to, any fence without obtaining Council approval.

During the first ten years, without the required applications being lodged with the City, residents had begun to modify their perimeter fencing to achieve greater space and privacy. Those residents evidently did not realise that the existing style of fencing formed part of the subdivision design principle, or that Council approval was required for any modifications to it. In February 1984, the Council introduced a detailed Karawara Fencing Policy. This policy prescribed requirements for fence heights, materials, and locations, access to either the street or the open space reserve, and the approval process.

In July 1988, the Council adopted the Karawara Fencing Policy No. 2, containing a set of requirements specifically for the smaller Town House lots in the area surrounding Boona, Mirreen and Melinga Courts. Policy No. 2 stated that:

“The purpose of this policy is to allow those residents who feel the need for additional privacy and security to erect fencing on the greenway side of their properties to a height of 1.65 metres, while at the same time preserving the pleasant green appearance of the greenway in accordance with the philosophy of the 'Radburn Style' subdivision design. For this reason, Council would not be prepared to approve any application for fencing which does not comply with this policy in any way.”

MINUTES : ORDINARY COUNCIL MEETING : 19 DECEMBER 2006

In 1992, both of these policies were combined into a single Planning Policy No. P5 - Karawara Fencing. Policy No. 5 was divided into two parts, covering the 'northern area' and the 'southern area'. It prescribed the same requirements as the previous two policies, namely:

1. Northern Area

The 'Northern Area' was all residential land other than in the 'Southern Area'.

1.1 Location and height of fences:

(a) Area between house and street boundary

- (i) Without limitation - 1.2 metres height.
- (ii) If set back at least 3 metres from the street for at least 50% of the lot width - 1.8 metres height.

(b) Area between house and open space reserve

- (i) Where the lot abuts a portion of Open Space Reserve less than 10 metres in width - As described in part (a) above.
- (ii) Where the lot abuts a portion of Open Space Reserve 10 metres or more in width - Without limitation, to a height of 1.8 metres.

1.2 Fencing types and materials:

(a) Higher fences - To 1.8 metres height

Brick walls to match the dwelling; 'ranch style' or other timber fences (except open picket fencing) painted or stained to Council's satisfaction; 'Super Six' or 'Hardiplank Woven' asbestos fencing painted to match adjacent dwellings or fences.

(b) Lower fences - To 1.2 metres height

- (i) Fencing of the types and materials specified in part (a) above.
- (ii) Steel or wire mesh fences to be considered individually on their merits with respect to details and standards of construction, provided that such fences are suitably screened by the planting of shrubs or creepers.
- (iii) Open picket fences painted or stained to Council's approval.

1.3 Gateways:

Every fence shall be provided with a pedestrian gateway to permit access from the Open Space Reserve or street to a main entry of the dwelling.

2. Southern Area

The 'Southern Area' was indicated on a plan as being the area surrounding Boona, Mirreen and Melinga Courts.

Upon receipt of a suitable application, Council would be prepared to approve the following:

(a) Fences 0.9 metres high

- (i) Location On side and greenway boundaries;
- (ii) Materials Link mesh fencing or equivalent open fencing;
- (iii) Planting Must be covered with creepers or dense shrub planting;
- (iv) Access Fencing must incorporate a gate providing pedestrian access from the enclosed courtyard to the greenway; and
- (v) Approval Council.

(b) Fences 1.65 metres high

- (i) Location On side boundaries of lot, but set back 1.2 metre from greenway boundary for the entire width of the lot;
- (ii) Materials Brick walls to match the dwelling; 'ranch style' or other approved timber fences (except open picket fencing) painted or stained to Council's satisfaction; 'Super Six' or 'Hardiplank Woven' fibre cement sheet fencing painted brown or to match adjacent dwellings or fences;
- (iii) Planting The 1.2 metre setback from the greenway boundary must be planted with dense shrubbery (to be maintained by the occupier) in order to screen the fence from view from the greenway effect;
- (iv) Access Fences must incorporate a gate providing unobstructed pedestrian access from the enclosed courtyard to the greenway;
- (v) Approval Owners and occupiers of both adjoining dwellings; Homeswest where applicant's house is Homeswest owned; and the Council.

Policy P5 operated from 1992 until it was rescinded in 1998. In the officer's report to the October 1998 Council meeting recommending rescission, it was stated that "*Years of contravention of some of these requirements, often innocently, have led to the original 'Radburn' subdivision principles being so far eroded in some areas as to render the restoration of them virtually impossible. The policing of such requirements is equally impossible.*"

The officer's report continued:

"The finalisation of Amendment No. 89 to the City of South Perth Town Planning Scheme No. 5 on 17 March 1998, and the subdivision approval of the Western Australian Planning Commission on 27 May 1998, now enable Homeswest to introduce its 'New Living' Program that will involve:

- *the demolition of 276 apartments in the eastern section of the suburb which will eventually create a 180-lot subdivision for sale to the general public;*
- *the refurbishment of approximately 255 dwellings owned by Homeswest; and*
- *upgrading of streetscape lighting and verges.*

These changes will transform Karawara into a 'normal' suburb. In light of this, the requirements stipulated in Planning Policy No. P5 'Karawara Fencing' are outdated and irrelevant in the context of Karawara redevelopment. It would be inappropriate to continually impose the fencing standards prescribed in Policy No. P5 to the 'New Living' Program promoted by the Fini Group and Homeswest.

Planning Policy No. P5 should be abandoned for the following reasons:

1. *The momentum of the progress of Karawara redevelopment is now strong with tremendous community expectations and support. Any element hindering this progress may aggravate the community and would certainly prolong the many benefits that would otherwise be enjoyed by the local community.*
2. *The special fencing (and other) provisions are not applicable in the Karawara Redevelopment Area referred to in Amendment No. 89 to the No. 5 Town Planning Scheme.*

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3. *The current Town Planning Scheme No. 5 special provisions that now apply to development in Karawara are proposed to be abandoned under the new No. 6 Town Planning Scheme. As the suburb of Karawara is undergoing major urban renewal and returning to a more 'normal' character, development standards should also be modified accordingly to reflect the aspirations of that community.*
4. *The questionnaire survey conducted at the same time as the Amendment No. 89 rezoning proposal indicates a general consensus from the Karawara community that Planning Policy No. 5 'Karawara Fencing' should be abandoned.*
5. *The existing Town Planning Scheme provisions are applicable only in the Karawara locality. Given that the Council has resolved to depart from the Radburn design principles, and that Karawara should become a more normalised suburb, the special fencing requirements should no longer apply.*
6. *Owing to lack of appreciation of the benefits of the current fencing restrictions, or lack of knowledge of the existence of the restrictions, a very large number of owners or occupiers of properties in Karawara have erected fencing which does not comply with Planning Policy No. P5. Council's staff resources are not sufficient to properly 'police' the fencing restrictions, and any efforts to do so have caused the affected residents to view the Council unfavourably, due to inconsistent and incomplete enforcement action."*

All special fencing requirements throughout Karawara were rescinded by the Council at its meeting on 28 October 1998. Since that time, the same fencing requirements have applied throughout the whole of Karawara as apply elsewhere in the City.

Double frontage to housing

One of the key principles of the Karawara estate design was that every dwelling maintained a double frontage - one onto the road and the other onto the open space reserve - and was provided with identifiable 'house front' entrances at both frontages for the reception of visitors arriving via the street or public footway system. This design feature was considered important by the Council when considering the proposed subdivision design in 1972. At that time, Council's support was conditional upon "All single and duplex dwelling house properties being developed with double frontages - i.e., 'frontal entrance' being expressed in building design and site organisation from both street and internal footway approaches."

In order to ensure that this element of the estate's design was protected, the following requirements which were designed to protect the interface between housing and the open space reserves, were inserted into TPS2, and later transferred into TSP5. As a result of the change of direction built into the Karawara Redevelopment Area in 1998, few of the TPS2 and TPS5 provisions relating to Karawara were transferred to TPS6 in 2003. The difference between the three Schemes for Karawara are set out below:

Issue	TPS2	TPS5	TPS6
Traffic:			
• Separation of vehicles and pedestrians	Required	Required	Not required
• Height of obstructions near driveways	0.9m high within 3.0m	0.9m high within 3.0m	0.75m high within 1.5m
Building setbacks:			
• Street setback (Single House) requirement	7.5m	6.0m average; 3.0m minimum	6.0m average; 3.0m minimum
• Open Space Reserve setback (Single House)	7.5m	6.0m average; 3.0m minimum	6.0m average; 3.0m minimum

Issue	TPS2	TPS5	TPS6
Outbuildings location and setbacks:			
• Outbuildings may be located between dwelling and street	Required	Required	Required
• Outbuildings may abut street boundary	Required	Not required	Not required
• Outbuildings not to be erected between dwelling and open space reserve	7.5m setback for houses; 6m for grouped dwellings	7.5m setback (any kind of dwelling)	6.0m average; 3.0m minimum (any kind of dwelling)
Dwelling design:			
• Every dwelling to have an identifiable front entrance	Required	Single Houses only	Not required
• Every dwelling to have a pedestrian approach from both street and open space reserve	Required	Single Houses only	Not required
• Façades of dwellings not to present as backs of houses to either street or reserve	Required	Single Houses only	Not required
• Development of single lots to be considered as part of design of whole locality	Required	Required	Not required
Fence design:			
• Council and/or Homeswest approval required	Required	Required	Not required
• Lower, permeable or set back fences to open space reserve boundaries required	Required by policy	Required by policy	Not required
• Fencing materials controlled	Required by policy	Required by policy	Not required
• Gates required to open space reserve	Required by policy	Required by policy	Not required

Opportunity for reconsideration of Radburn principles within Karawara

Owing to the discontinuation of the Radburn design in the 'Karawara Redevelopment Area' subdivision in the eastern portion of Karawara, most of the Single House lots in this area do not have a frontage to an open space reserve. Consequently, there is no need to protect or enhance any such reserve within the redevelopment area, and no need for special fencing requirements for this new subdivision.

At the time of approval of that subdivision, there had been some discussion with Homeswest regarding the gradual elimination of narrow portions of the greenway system by subdividing and allocating them to the adjoining house sites, in the same way that Council allocates portions of rights-of-way to adjoining lots when they are closed. Two such narrow portions of greenway were dispersed at the time:

- (a) the portion between Wandarra Close and Lurnea Place; and
- (b) the portion between Boona Court and Gillon Street.

The expectation that further areas would be disposed of in a similar process in future years so far has not occurred. There has been no call for such a move by the residents of Karawara, Homeswest, or the Council. The remainder of the subdivision pattern, therefore, remains unchanged from its original form, and the majority of the original greenway system continues to survive. To this extent, Karawara is still unique within the City. An opportunity remains for the original Radburn principles to be restored and enhanced if it is seen that there is good reason for doing so.

The Karawara greenway spine is currently identified on the City's *Local TravelSmart Guide* as a shared (pedestrian/cycle) path. With an increased interest in 'clean and green' travel, it might be seen that this could be fostered locally within Karawara, making use of the existing infrastructure.

Recent Council resolutions relating to Scheme Amendment

On two occasions within the past year, the Council has determined requests for relaxation of the currently required TPS6 setback for a building adjacent to a greenway boundary in Karawara. The particular instances are outlined below:

(a) 13 Koolunda Court

In December 2005, the Council considered an application for a second dwelling on a lot of 950 sq. metres in Koolunda Court. The new dwelling was proposed for an approved 'rear' battle-axe lot on the greenway side of the existing house. The irregular shape of the new strata lot, together with a greater setback from the greenway required by TPS6 than normally required by the R-Codes, made it difficult to design a new house for the battle-axe lot. TPS6 requires a setback of 6.0 metres average with a minimum of 3.0 metres. That proposal was approved with a 1.0 metre minimum setback to the open space reserve. The new lot is adjacent to portions of open space reserve ranging from 3.0 metres, 6.0 metres to 26.0 metres wide.

The officer's report concluded that:

"Planning Officers are of the opinion that the proposed Single House, incorporating reduced setbacks to the open space reserve, can comply with the abovementioned provisions contained within Clauses 1.6 (Scheme objectives) and 7.5 (other matters to be considered) of TPS6 subject to some amendments to the design of the dwelling. Suggested design modifications include modifying the design and materials of the fencing adjoining the reserve. Such changes will ensure that:

- a) the intent of Clause 4.3 (e)(ii) can still be achieved even with lesser setbacks permitted;*
- b) the amenity and purpose of the reserve is still protected through some minor amendments to the housing design.*

When future applications in similar circumstances are received, the amenity of the locality needs to be preserved through an appropriate interface being developed between the subject property and the adjoining open space reserve. To facilitate this objective, an amendment to TPS6 is recommended. The Scheme Amendment would encourage neighbouring properties to be developed in a similar way, with housing and fencing design actively addressing the open space reserve."

At the December 2005 meeting, the Council resolved that:

"The Manager, Development Services be requested to submit a report to the March 2006 Council Meeting in support of a proposed amendment to Clause 4.3 (e)(ii) of Town Planning Scheme No. 6. The objective of the Scheme Amendment is to allow a reduction in the prescribed setback from an open space reserve for development applications which incorporate house and fence designs that actively address the open space reserve."

(b) 49 Jackson Road

In April 2006, the Council considered a similar proposal in Jackson Road and also agreed to a setback of 1.0 metre minimum. The proposal involved the replacement of an existing house with a new single-storey house on the 756 sq. metre lot. The lot is adjacent to a 5.0 metre wide portion of open space reserve.

The officer's report concluded as follows:

“The amenity of the open space reserves in Karawara should be preserved and improved through appropriate development control. The application of a 6 metre average and 3 metre minimum setback requirement should be applied to those properties adjacent to the open areas of open space reserve which are usable for communal recreation purposes. For those properties that are unable to comply with the setback requirements, it is considered acceptable for lesser setbacks to be approved in return for a housing and fencing design (as part of any development application) that appropriately addresses the open space reserve. Finally, the setback requirements prescribed under Clause 4.3(e)(ii) should not be applied to those properties that are adjacent to the 4 metre wide portions of the open space reserves that have the character of a pedestrian access way leading into the main body of the open space reserves, as in the case of the subject proposal. However, an appropriate separation should be maintained between proposed development and the access ways so as not to create dark, unsafe, and unwelcoming access links. A minimum setback of 1.0 metre is considered appropriate in these instances.”

The Council resolved that a report be submitted outlining a possible Scheme Amendment on this matter. *“The objective of the Scheme Amendment is to allow a reduction in the prescribed setback from an Open Space Reserve for a development application which incorporates house and fence designs that actively address the Open Space Reserve, or where a proposed development abuts a narrow portion of an Open Space Reserve which has the character of a pedestrian access way.”*

These two precedents indicate the direction that the Council wishes to follow - that is, to reduce the current TPS6 setback requirement from greenway reserve boundaries for buildings in Karawara, while preserving and enhancing the wider portions of open space reserve.

(c) 26 Gillon Street

A third related report considered by the Council in August 2006 dealt with an application for eight Aged or Dependent Persons' Dwellings. While the site in question was within the Karawara Redevelopment Area of TPS6, and hence did not need to comply with the standard 6.0 metre / 3.0 metre setback from the greenway boundary, the Council nevertheless required that portions of the existing brick boundary fence be modified to incorporate wrought iron panels to provide an outlook from certain habitable rooms onto the reserve.

The following comments describe various options by which the above objectives may be achieved.

Comment

Clause 4.3(e)(ii) of TPS6 currently requires a Single House or Grouped Dwelling and any associated outbuilding to be set back an average of 6.0 metres (3.0 metres minimum) from the boundary of an open space reserve. Against this background, the Council has twice resolved that TPS6 be amended for the purpose of permitting a reduction in the prescribed setback of 6.0 metres / 3.0 metres from an open space reserve for a development which:

- (a) appropriately addresses the open space reserve through its housing and fencing design; or
- (b) abuts a narrow portion of an open space reserve which has the character of a pedestrian access way.

Where an owner does not wish to address the open space reserve in this way, the currently prescribed setbacks would continue to apply. However, where these design options are met and the open space reserve is adequately addressed, the less stringent standard R-Codes setbacks would apply, subject to a defined minimum of, say, 1.5 metres, to avoid the

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construction of boundary walls along the greenway. The 1.5 metre setback is the minimum R-Code setback for a wall with a major opening to a habitable room. Where a proposed dwelling is situated adjacent to a narrow portion of an open space reserve, a 1.0 metre minimum setback would be appropriate for a wall with no major openings to a habitable room.

Having resolved in this way twice in the past year, the Council has effectively indicated that it favours measures to enhance the visual relationship between dwellings and the adjacent greenways. To this extent, Council would be seeking to revive support for the Radburn principles. This is at variance with the Council's:

- 1998 decision to abandon special fencing requirements;
- 1998 decision to support the Karawara redevelopment with a standard subdivision pattern; and
- various decisions throughout the process of the TPS6 preparation to abandon certain (but not all) of the special Karawara provisions which sought to protect the interface between the open space reserves and abutting housing.

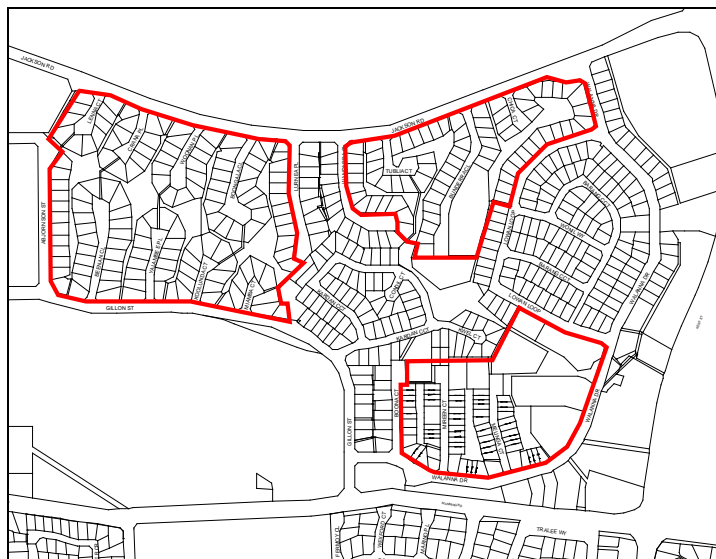
The following elements could be considered as the basis of a possible Scheme Amendment:

(i) Defining portions of Karawara where new provisions would apply

TPS6 currently contains a definition of the Karawara Redevelopment Area for the purpose of excluding it from the special provisions which relate to the remainder of the estate. This area is identified in Schedule 4 of the Scheme. While it is necessary to clearly define the parts of Karawara where any new provisions will apply, it is less confusing to do so by showing those areas, rather than illustrating the areas where they do not apply. Consequently, a new plan should be prepared, indicating those areas of Karawara to which the new provisions would apply.

In defining the area to which the new provisions would apply, the land east of Walanna Drive has been excluded. These house lots generally abut only narrow portions of open space reserve backing onto Student Housing, and would not benefit greatly from special the treatment proposed for other parts of Karawara. The other large area of Karawara which is excluded is the area currently defined as the Karawara Redevelopment Area which is already excluded from any special provisions.

Such a plan could be similar to the following, where the applicable areas are shown with a border. The new plan would form the basis of a modified Schedule 4 and would replace the plan in the existing Schedule.



Similarly, the current definition of the 'Karawara Redevelopment Area', a term which is no longer relevant, should be deleted. A new term needs to be introduced to relate to the areas of Karawara where the new special provisions would apply. Such a term could be the 'Karawara Special Area'. On this basis, a new definition should be inserted into Schedule 1 of TPS6, along similar lines to the following:

“ ‘Karawara Special Area’ : means that portion of the Scheme area designated Karawara Special Area in Schedule 4.”

Objective 1: *Schedule 4 and its related definition shall be replaced with a plan and definition reflecting the ‘Karawara Special Area’ to which the new provisions relate.*

(ii) Open Space Reserve less than 5.0 metres wide

The greenway system throughout Karawara comprises wide nodes along the centre of the estate, with narrower tentacles containing paths which connect to the perimeter roads. Many of these narrow portions of open space are not attractive and do not provide a particularly pleasant outlook from adjoining dwellings. Hence, there is less need to visually protect these areas.

Objective 2: *Where a portion of open space reserve is less than 5.0 metres wide, buildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.*

(iii) Open Space Reserve greater than 5.0 metres wide

It is considered relevant to preserve and enhance the appearance of the wider portions of open space reserve. This will occur gradually as properties are redeveloped. The standard setback of 6.0 metre average and 3.0 metres minimum should continue to apply to these wider areas, to preserve the feeling or openness surrounding these areas. However, an option should exist for an owner to build to a minimum of 1.5 metres from the open space reserve. In such cases, there should be a 'trade-off' in which the loss of 'openness' on the applicant's side of the boundary should be balanced to some extent by an aspect into and out of their courtyard such that an outlook is achieved from a habitable room window onto the reserve. In order to achieve this, there should be a requirement that at least one window to a habitable room faces the open space reserve boundary in every case, to provide for the option of a reduced setback.

Objective 3: *Where a portion of open space reserve is 5.0 metres wide or wider, buildings shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the open space reserve. No special fencing requirements apply; or*

Objective 4: *Where a portion of open space reserve is 5.0 metres wide or wider, buildings may be set back as required by the R-Codes to a minimum of 1.5 metres from the open space reserve. This provision shall only apply if a full-height portion of fence on the open space reserve boundary, measuring three times the width of a window to a habitable room, is fitted with a wrought iron panel or similar, providing an outlook onto the reserve.*

Objective 5: *Every dwelling in Karawara shall be provided with at least one window to a habitable room facing the open space reserve.*

Objective 6: *Outbuildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.*

Conclusion

Having considered the principles behind the original Karawara subdivision design, the history of development within the estate and the changing requirements applicable to such development, and more recent decisions and trends, it is recommended that a set of requirements be reintroduced into TPS6 which will contribute towards the protection of, and respect for, the open space reserves, while providing a more flexible statutory base for future developments within the area.

If the Council agrees with the general approach outlined in this report, a further report will be presented to the February 2007 Council meeting with firm prescriptive Scheme Amendment proposals.

Consultation**(a) Design Advisory Consultants' comments**

The Design Advisory Consultants have not been asked to comment specifically on the Scheme Amendment proposals contained in this report. However, they have provided useful comments on the three applications from which this proposal has been derived.

(b) Neighbour consultation

Neighbour Consultation has not been undertaken for this preliminary proposal. However, if a Scheme Amendment is initiated by the Council in due course, the full community consultation will be undertaken as required by Town Planning Scheme No. 6, Policy P104 and the Town Planning Regulations.

Policy and Legislative Implications

The objective of this proposal is to amend the City's Town Planning Scheme No. 6.

Financial Implications

The issue has some impact on this particular area, to the extent that the City will be required to meet all costs associated with this Scheme Amendment process if initiated.

Strategic Implications

This matter relates to Goal 3 "Environmental Management" identified within the Council's Strategic Plan. Goal 3 is expressed in the following terms:

To effectively manage, enhance and maintain the City's unique natural and built environment.

**OFFICER RECOMMENDATION AND
COUNCIL DECISION ITEM 9.0.1**

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 to meet the following objectives:
- (i) Objective 1: Schedule 4 and its related definition shall be replaced with a plan and definition reflecting the 'Karawara Special Area' to which the new provisions relate.
 - (ii) Objective 2: Where a portion of open space reserve is less than 5.0 metres wide, buildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.
 - (iii) Objective 3: Where a portion of open space reserve is 5.0 metres wide or wider, buildings shall be set back an average of 6.0 metres and a minimum of 3.0 metres from the open space reserve. No special fencing requirements apply; or

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- (iv) Objective 4: Where a portion of open space reserve is 5.0 metres wide or wider, buildings may be set back as required by the R-Codes to a minimum of 1.5 metres from the open space reserve. This provision shall only apply if a full-height portion of fence on the open space reserve boundary, measuring three times the width of a window to a habitable room, is fitted with a wrought iron panel or similar, providing an outlook onto the reserve.
 - (v) Objective 5: Every dwelling in Karawara shall be provided with at least one window to a habitable room facing the open space reserve.
 - (vi) Objective 6: Outbuildings may be set back as required by the R-Codes to a minimum of 1.0 metre from the open space reserve. No special fencing requirements apply.
- (b) a Report on the Amendment containing the draft Amendment No. 8 to the City of South Perth Town Planning Scheme No. 6, be presented to the February 2007 Council meeting for consideration.

CARRIED EN BLOC RESOLUTION

List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/11/2007 to 30/11/2007

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2007.00000175.001	-11/105	19/11/2007	78 Edgcombe ST COMO	Mr F H Lam	Refused	GROUPED DWELLING(S)
011.2007.00000184.001	CA6/45	23/11/2007	45 Canning HWY SOUTH PERTH	Ms F Hogg	Refused	TWO STOREY SINGLE HOUSE
011.2007.00000191.001	11/6845	13/11/2007	26 Salisbury AVE SOUTH PERTH	Mr T Pintaudi	Approved	TWO STOREY SINGLE HOUSE
011.2007.00000221.001	MO5/24	2/11/2007	1 Craige CRES MANNING	Mr C James	Approved	SINGLE HOUSE. ONE STOREY WITH LOFT
011.2007.00000229.001	11/6488	19/11/2007	134 Gwezyfied RD KENSINGTON	Mr M T Higgins	Approved	Additions / Alterations to Single House
011.2007.00000240.001	AN1/38	13/11/2007	38 Angelo ST SOUTH PERTH	Ms K Rattigan	Approved	Additions / Alterations to Single House
011.2007.00000268.001	11/6692	23/11/2007	96 Mary ST COMO	Morezen Pty Ltd	Refused	TWO STOREY GROUPED DWELLING
011.2007.00000302.001	11/3926	14/11/2007	189 Canning HWY SOUTH PERTH	Mr I Graydon	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLI
011.2007.00000312.001	FO1/28	9/11/2007	28 Forrest ST SOUTH PERTH	Doepel & Associates Architects	Approved	Additions / Alterations to Club Premises
011.2007.00000323.001	-11/234	1/11/2007	264 Canning HWY COMO	Westorian Pty Ltd	Approved	MOTOR REPAIR AND SERVICE STATION
011.2007.00000349.001	MA3/38	19/11/2007	38 Manning RD COMO	Mr M S Palm	Refused	AGED OR DEPENDENT PERSONS DWELLING(S)
011.2007.00000360.001	11/3542	15/11/2007	71 Clydesdale ST COMO	JWH Group Pty Ltd	Approved	TWO STOREY GROUPED DWELLING
011.2007.00000366.001	11/6601	26/11/2007	30 Rynie AVE COMO	L. Serfozo & Co	Approved	OUTBUILDING
011.2007.00000371.001	-11/194	14/11/2007	45 Thelma ST COMO	Catholic Archdiocese Of Perth	Approved	CAR PARK
011.2007.00000420.001	SO2/227	19/11/2007	227 South TCE COMO	Mr N Nguyen	Refused	ADDITIONS/ALTERATIONS TO GRPED DWELLI
011.2007.00000445.001	GR1/19	30/11/2007	19 Greenock AVE COMO	South Coast Design	Approved	THREE GROUPED DWELLINGS
011.2007.00000455.001	11/1837	19/11/2007	45 Lockhart ST COMO	TUSCOM SUBDIVISION	Refused	TWO GROUPED DWELLINGS
011.2007.00000459.001	RO5/41	14/11/2007	41 Roseberry AVE SOUTH PERTH	Mr D Sheppard	Approved	Additions / Alterations to Single House
011.2007.00000461.001	LA1/223	15/11/2007	223 Labouchere RD COMO	Mr A Chun	Approved	TWO SINGLE HOUSES : TWO STOREY
011.2007.00000486.001	TO1/38	13/11/2007	38 Todd AVE COMO	Mr T J Tyler	Approved	Additions / Alterations to Single House
011.2007.00000490.001	EL3/33	22/11/2007	33 Elizabeth ST SOUTH PERTH	Mrs S Ireson	Approved	Additions / Alterations to Single House
011.2007.00000491.001	11/3474	16/11/2007	39A Henning CRES MANNING	Mr E A Duxbury	Approved	Additions / Alterations to Single House

List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/11/2007 to 30/11/2007

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2007.00000492.001	K15/37	19/11/2007	37 King ST KENSINGTON	Bella Casa Developments	Approved	Additions / Alterations to Single House
011.2007.00000493.001	DO4/31	19/11/2007	31 Downey DR MANNING	Mr W E Penn	Approved	Additions / Alterations to Single House
011.2007.00000498.001	-11/651	23/11/2007	408 Canning HWY COMO	Mr R S Wnek	Refused	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000510.001	11/4356	16/11/2007	101 Melville PDE COMO	Mr M Afrasiabi	Approved	Additions / Alterations to Single House
011.2007.00000519.001	HE1/10	30/11/2007	10 Henley ST COMO	Ms R Mohdar	Approved	Additions / Alterations to Single House
011.2007.00000521.001	11/6156	12/11/2007	1 Oxford ST KENSINGTON	Mr M J Garmony	Approved	Additions / Alterations to Single House
011.2007.00000522.001	FO3/6	20/11/2007	6 Forward ST MANNING	Minaret Holdings	Approved	GROUPED DWELLING(S)
011.2007.00000523.001	11/2416	30/11/2007	192 Lockhart ST COMO	Don Russell Homes Pty Ltd	Approved	GROUPED DWELLING(S)
011.2007.00000529.001	KE3/2	13/11/2007	2 Kennard ST KENSINGTON	Mr A G Harding	Approved	Additions / Alterations to Single House
011.2007.00000532.001	11/2598	16/11/2007	196 Labouchere RD COMO	Aspect Constructions	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLI
011.2007.00000538.001	HE3/88	26/11/2007	88 Heusman ST SOUTH PERTH	M. Rodic & Associates Pty Ltd	Approved	Additions / Alterations to Single House
011.2007.00000540.001	11/4171	14/11/2007	106 Lockhart ST COMO	Mr A Llewelin	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000541.001	11/6205	21/11/2007	35 Downey DR MANNING	Mr T P Grant	Approved	Additions / Alterations to Single House
011.2007.00000543.001	-11/592	19/11/2007	47 Anstey ST SOUTH PERTH	Westral	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000546.001	-11/431	19/11/2007	27 Comer ST COMO	Mr D D Nguyen	Approved	SHED ADDITION TO GROUPED DWELLING
011.2007.00000550.001	11/3810	16/11/2007	27 Warner CT MANNING	Kalmar Factory Direct	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000551.001	CA10/12	26/11/2007	12 Carey ST KENSINGTON	Mr D Palermo	Approved	Additions / Alterations to Single House
011.2007.00000552.001	11/1677	26/11/2007	9 Jackson RD KARAWARA	Mr M S Francis	Approved	FENCE GREATER THAN 1.8 METRES
011.2007.00000555.001	11/5218	19/11/2007	60A Birdwood AVE COMO	Pro-Built Landscape Builders Pty Lt	Approved	FENCE GREATER THAN 1.8 METRES
011.2007.00000556.001	11/3401	6/11/2007	243 Labouchere RD COMO	Tangent Nominees Pty Ltd	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLI
011.2007.00000558.001	11/6832	26/11/2007	351 Mill Point RD SOUTH PERTH	Visser Constructions	Approved	Additions / Alterations to Single House
011.2007.00000560.001	11/2014	26/11/2007	17A Cale ST COMO	Mundaring Roofing & Patios	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000561.001	11/4732	6/11/2007	3 Edinburgh ST SOUTH PERTH	Mr O Crosstwaite	Approved	Additions / Alterations to Single House
011.2007.00000564.001	EL3/38	26/11/2007	38 Elizabeth ST SOUTH PERTH	Mrs M E Williamson	Approved	PATIO ADDITION TO SINGLE HOUSE

List of Application for Planning Consent Determined Under Delegated Authority for the Period 1/11/2007 to 30/11/2007

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2007.00000566.001	CA6/408	6/11/2007	408 Canning HWY COMO	Mr B Walker	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000568.001	CO6/84	26/11/2007	84 Coode ST SOUTH PERTH	Mr J J Wilson	Approved	OUTBUILDING
011.2007.00000570.001	11/4929	26/11/2007	20B Hope AVE MANNING	Patio Living	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000576.001	DY1/86	2/11/2007	86 Dyson ST KENSINGTON	Mr M J Baker	Approved	Additions / Alterations to Single House
011.2007.00000577.001	KE3/62	9/11/2007	62 Kennard ST KENSINGTON	Mrs K S Smith	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000585.001	11/5640	13/11/2007	51 Kennard ST KENSINGTON	Patio Perfect	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000586.001	RA1/44	30/11/2007	44 Ramelagh CRES SOUTH PERTH	Overman & Zuideveld Pty Ltd	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLING
011.2007.00000587.001	D1/L101	30/11/2007	Wooltana ST COMO	Honest Holdings Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2007.00000588.001	BE2/7	15/11/2007	7 Bessell AVE COMO	Peter Stannard Homes	Approved	Single House
011.2007.00000591.001	11/3928	16/11/2007	2 Nenagh GR WATERFORD	Westral Outdoor Centre	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000592.001	KE2/32	19/11/2007	32 Kelsall CRES MANNING	Elite Outdoor	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000593.001	11/3148	20/11/2007	66 Elderfield RD WATERFORD	Mr G R Callow	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000600.001	11/4009	21/11/2007	33 Leonora ST COMO	BCA Homes & Patios	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000601.001	- 11/333	19/11/2007	11 Canning HWY SOUTH PERTH	Oldfield Knott Architects Pty Ltd	Approved	ADDITION TO TAKE AWAY, ADD EATING HOUSE
011.2007.00000603.001	- 11/670	28/11/2007	75 Ley ST COMO	Patio Perfect	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2007.00000604.001	11/5013	26/11/2007	50 Eric ST COMO	KJ Wiacek Architect	Approved	ADDITIONS/ALTERATIONS TO GRPED DWELLING
011.2007.00000610.001	A1/90B	28/11/2007	90B Labouchere RD SOUTH PERTH	Elite Outdoor	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2007.00000614.001	11/2522	29/11/2007	33 Kilkenny CIR WATERFORD	Sunwise Outdoor Living	Approved	PATIO ADDITION TO SINGLE HOUSE